



**DELHI UNIVERSITY  
LIBRARY**



Printed in May, 1949.

Published by Dina Nath, M.A., for Indian Book Company Ltd.,  
at Delux Printing Press, Delhi.

## PREFACE

A third Edition has become urgently necessary not because India has become free and evolved a new Constitution for her as a Sovereign Independent Republic but because interest in study of Constitutions is daily growing not only amongst University students but amongst the adults and adolescents of society not directly attached to colleges. The nascent nationalism of India is a subject of absorbing interest and both literary and cultural interest are so much on the increase that the future of political literature is with publishers of enterprise and imagination. I express my warm congratulations to the Indian Book Co. Ltd., which required no prodding in this behalf, but which has on the contrary pressed me for my assent on their prompt and commendable performance. Mr. Frank S. Thakurdass sometime Lecturer in Political Science Forman Christian College, Lahore, has kindly done up the text, as a thorough revision had become necessary owing to the ever-evolving changes in the political set up of the countries and continents which Great War has brought about and by which history and Constitutions are necessarily recast in the moulds of time through the furnace of circumstance. It is for us to take out the castings and machine them in the workshop of life.

New Delhi,  
April 15, 1949.

B. Pattabhi Sitaramayya.

## Note on the Revised Edition

The new edition of the book has been thoroughly revised and the plan re-arranged. A number of changes have been introduced viz.,

(a) The book is now divided into 7 sections (excluding the appendix) with a short note at the beginning of each section indicating its contents.

(b) Five new countries China, Turkey, Egypt, Burma and Ceylon have been added. Esthonia and Kingdom of Slavs, Croats and Serbs (given in the previous edition) have been excluded. Very reluctantly have we left out India and Pakistan; the only reason for their exclusion being that *their constitutions are still incomplete*—in the former case a part has been adopted, while in the latter only an announcement of the objective principles has so far been made.

(c) The section on Fundamental Human Rights has been considerably enlarged.

(d) An entirely new chapter on the Political Parties, their programmes and policies, has been added. For, no real understanding of the Government and politics of a country is complete unless we know something of organization of political grouping and the issues which divide them. The politics of a country follows along the grooves and furrows which its parties make.

(e) A short bibliographical note has been appended at the end.

Every attempt has been made to bring the book up-to date. Facts and figures in the first six sections have been checked up with the Statesman Year Book 1948. Section on Fundamental Rights is largely based on the Year Book on Human Rights—United Nations Publication (1947), and Constitutional Precedents (Third Series 1947) published by the Constituent Assembly of India. The material in the last section is mainly based on Political Hand Book of the World (1947, Ed. W.H. Mallory). Our grateful acknowledgement is due to all of them.

Finally, it may be added that the book though intended primarily for the general reading public is nevertheless designed to meet the requirements of students of comparative study of Constitutions.

# CONTENTS

## Section I.

This section contains information on the following heads about all the Constitutions given in the book : Area, Population, History of the Constitution and the date of its coming into force, Form of Government, Head of the State and powers of the Head of the State.

Country	Page	Country	Page
Ireland ...	10	Great Britain ...	18
New Zealand ...	10	Egypt ...	19
Canada ...	11	United States of America	20
South Africa ...	11	Belgium ...	21
Australia ...	12	Denmark ...	22
France ...	12	Austria ...	23
Switzerland ...	13	Mexico ...	24
Turkey ...	13	Norway ...	25
Russia ...	14	Italy ...	25
Czechoslovakia ...	15	Germany ...	26
Japan ...	16	China ...	27
Sweden ...	16	Burma ...	28
The Polish Republic	17	Ceylon ...	28
Spain ...	17		

## Section II.

This section deals with the 'Political Executives'.

Ireland ...	30	United States of America	33
France ...	30	Belgium ...	33
Australia ...	31	Austria ...	33
Canada ...	31	Sweden ...	34
South Africa ...	32	Denmark ...	34
Spain ...	32	Japan ...	34
Switzerland ...	32	Czechoslovakia ...	35

Country	Page	Country	Page
Burma	35	Turkey	38
Norway	35	Germany	39
Russia	36	New Zealand	39
Egypt	36	Italy	40
Great Britain	37	The Polish Republic	40
Mexico	37	Ceylon	40
China	38		

### Section III.

This section deals with the Second Chambers.

Ireland	42	Denmark	49
Australia	42	Italy	50 ✓
South Africa	43	Switzerland	50
New Zealand	43	China	51
Canada	44	Mexico	51
France	44	Great Britain	52
Czechoslovakia	45	Russia	53
Polish Republic	45	Burma	53
Austria	46	Spain	54
Japan	46	Belgium	55
Norway	47	Turkey	56
Sweden	47	Egypt	56
United States of America	48	Germany	56

### Section IV.

This section deals with Lower Chambers.

Ireland	58	Austria	66
Switzerland	58	Sweden	66
South Africa	59	Belgium	67
Czechoslovakia	59	Italy	67
Australia	60	Great Britain	68
New Zealand	60	Denmark	69
France	61	Norway	70
Japan	61	Egypt	70
Canada	62	Burma	71
Turkey	62	Spain	71
Polish Republic	63	Russia	71
Germany	63	Ceylon	72
United States of America	64	China	72
Mexico	65		

## Section V.

This section deals with Judiciary.

Country	Page	Country	Page
Ireland	74	Austria	81
Australia	75	China	82
Canada	75	Ceylon	82
South Africa	76	Sweden	83
New Zealand	76	Polish Republic	83
Switzerland	77	Japan	84
Turkey	77	Italy	84
Spain	78	Denmark	85
Germany	78	Mexico	85
Egypt	79	France	86
Burma	79	United States of	
Norway	80	America	87
Czechoslovakia	80	Great Britain	88
Belgium	81	Russia	90

## Section VI.

This section deals with Fundamental Rights.

Ireland	92	Italy	107
Turkey	94	Poland	108
New Zealand	95	Germany	109
South Africa	95	China	110
Canada	96	Norway	111
France	97	Mexico	112
Switzerland	98	Austria	113
Japan	100	United States of	
Spain	101	America	114
Egypt	102	Great Britain	115
Czechoslovakia	103	Russia	116
Sweden	104	Ceylon	117
Belgium	105	Burma	118
Denmark	106	Australia	120

## Section VII.

This section deals with Political Parties.

France	122	Ireland	131
Switzerland	124	Canada	132
Australia	126	Spain	133
Turkey	127	Egypt	134
Sweden	128	Austria	135
Norway	129	Poland	136
South Africa	130	Czechoslovakia	137



Country	Page	Country	Page
New Zealand ...	138	Ceylon ...	144
Denmark ...	138	Burma ...	144
Japan ...	139	China ...	145
Mexico ...	139	United States of	
Great Britain ...	140	America ...	146
Russia ...	142	Belgium ...	148
Germany ...	143	Italy ...	149

### Appendix.

1. Internal Organization of British House of Commons...	...	...	...	151
2. Bibliography ...	...	...	...	154

---

## SECTION 1.

This section contains information on the following heads about all the Constitutions given in the book :

1. *Area.*
2. *Population.*
3. *History of the Constitution and the date of its coming into force.*
4. *Form of Government.*
5. *Head of the State.*
6. *Powers of the Head of the State.*

## **Ireland.**

*Area* : 27,137. sq. miles.

*Population* : 2,953,452.

*Constitution* : Southern Ireland (26 Counties) proclaimed itself an independent republic after an insurrection in 1916, against British Rule. Constitution framed under the Treaty of 6th December 1921, amended in June 1937; new constitution, approved by the people after plebiscite, held on July 29, 1937. Came into operation in December 1937.

*Form of Govt* : Unitary and Parliamentary.

*Head of the State* : President, elected by the direct vote of the people for seven years. Nominal Executive Head.

*Salary* : £ 10,000.

*Powers* : Signs and promulgates law.

May refer a Bill to the Supreme Court on the advice of the Council of State. May refuse to sign the Bill, if the Court declares it to be unconstitutional. May refer the Bill to a referendum or general election if one-third of the members of the Lower House and the majority of the Senate request him to refuse his assent to the Bill. Generally, acts on the advice of Ministers, but in certain matters may consult the Council of State.

The supreme Command of the defence Forces is vested in the President and all official appointments are made by him.

## **New Zealand.**

*Area* : 103,934 sq. miles.

*Population* : 1,604,000.

*Constitution* : Constituted as Dominion on September 26, 1907.

*Form of Govt* : Unitary and Parliamentary

*Head of the State* : Governor-General appointed by the King on the advice of the Dominion Government.

*Salary* £ 5000 per annum and £ 2500 allowances.

Constitutional head of the government. Position same as in Canada and Australia.

*Powers* : Assents to or withholds consent to bills or reserves them. Can also send draft Bills to either House, and return Bills for amendment to the legislature. Convenes, prorogues and dissolves the Parliament.

## Canada.

*Area*: 3,462,103 sq. miles. (Consisting of 9 Provinces).

*Population*: 12,582,000.

*Constitution*: British North America Act, 1867 came into operation in July 1867, including eleven subsequent amendments. These do not include the whole of the present-day Canadian Constitution.

*Form of Govt.* Federal and Parliamentary. Residuary Powers with the Centre.

*Head of the State*: The Crown represented by the Governor-General.

Canadian Crown represented in the federal government by the Governor-General appointed by the king on the advice and approval of the Canadian Cabinet.

*Powers*: Constitutional head of the government can reserve a federal Bill for the significance of the Crown which is now exercised on the advice of the Canadian Ministry

Since 1926, no option to refuse a dissolution of Parliament if asked by the prime-minister.

Power to appoint and receive such ordinary agents and ministers who are not appointed or received by the Crown, or the King directly. Concludes certain minor treaties between Canada and other countries, which are not signed by the Crown directly.

## South Africa.

*Area*: 472,550 sq. miles.

*Population*: 11,258,858.

*Constitution*: South Africa Act of September 20, 1909.

*Form of Govt.* Federal and Parliamentary.

*Head of the State*:

Governor-General appointed by the King on the advice of the Dominion Government.

Salary: £ 10,000.

*Powers*: Constitutional head of the Government. In cases of deadlock between the Houses of Legislature may convene a joint sitting of the two.

Can recommend amendments to any legislative measure passed by the Parliament.

May also reserve a measure for the Crown's pleasure which must be expressed within a year.

## **Australia.**

*Area* : 2,974,581 sq. miles.

*Population* : 7,580,820.

*Form of Govt*: Federal and Parliamentary.

*Constitution* : January 1, 1901.

Residuary powers in States : follows the American pattern more closely though with a difference.

*Head of the State* : Governor-General, appointed by the Crown on the advice of the Dominion Government.

*Salary* : £ 10,000.

*Powers* : Constitutional head of the government. Presides over the meetings of the Executive Council. Conducts the whole administration, through the Executive Council.

In certain cases, right of dissolution of the Lower House and in certain others, may convene a joint sitting of the two Houses.

May return a measure to the Parliament with his recommendations for further consideration or may reserve it for the Crown's pleasure which must be expressed within a year. But since the passing of the Statute (1931) restrictions on the Parliament have been removed.

## **France.**

*Area* : 212,659 Sq. miles.

*Population* : 42,014,000.

*Constitution* : Constitution of the Fourth Republic came into force on the 24th December, 1946.

*Form of Govt*: Unitary and Parliamentary.

*Head of the State* : President.

Elected by the Parliament for 7 years; can be re-elected only once.

*Salary* : 3,600,000 Francs per annum including allowances.

*Powers* : He presides over the Council of Ministers; the High Council of the French Union, the Committee of National Defence and the Supreme Council of Justice and is the Chief of the armed forces. He communicates with the Parliament through messages to the National Assembly.

Members of the families which have reigned over France are ineligible for the Presidency.

## Switzerland.

*Area :* 15,944 sq. miles.

*Population :* 4,265,703.

*Constitution :* As a result of a treaty of alliance between 22 Cantons, the Swiss Confederation was formed on May 29, 1874.

*Form of Govt:* Federal and Plural Executive.

Residuary powers in Cantons.

*Head of the State :* Federal Council.

Elected by the two legislative chambers immediately after each general election. Consists of 7 members.

4 years term.

President of the Confederation and the vice-President of the Federal Council are the first magistrates of the Confederation. Both are elected by the Federal Assembly for the term of one year, and are not re-eligible.

## Turkey.

*Area :* 296,502 Sq. miles.

*Population :* 18,861,222.

*Constitution :* In November, 1922, the Government of the Grand National Assembly of Turkey declared the abolition of the office of the Sultan. A year later Kemal Pasha the nationalist leader was elected first President of the Turkish Republic, and re-elected President in 1927, after the Grand National Assembly had abolished the Caliphate.

*Form of Govt:* Unitary and Parliamentary.

*Head of the State :* President, elected by the Grand National Assembly chosen from among the deputies constituting the National Assembly. Term of office 4 years; identical with the life of each assembly.

*Powers :* All Executive Powers are vested in the President and the Council of Ministers, chosen by him; though the Assembly controls the actions of the Government and may dismiss it at any time.

## **Russia.**

*Area :* 8,819,791 sq. miles.

*Population :* 192,695,000.

*Constitution :* Present Constitution of Russia was promulgated in 1936, popularly known as 'Stalin-Constitution'.

*Form of Govt.* Republican and Federal.

*Head of the State :*

No provision in the constitution for appointing a President of Union. Thus there is no titular head in the U. S. S. R.. Foreign Ambassadors present their credentials to the Chairman of the Presidium, and the ceremonial functions are carried on by the President of the Central Executive Committee.

*Powers :* Supreme executive powers vested in the SOVNARKONA (Council of Peoples Commissars, who are now designated ministers of the U. S. S. R.) chosen by the Supreme Council; but actually Ministers are chosen by the Central Executive of the Communist Party whose decision is formally carried out by the Supreme Council. There is a chairman of the SOVNARKONA who may be called the Prime minister.

**THE PRESIDIUM:** The Supreme Council being a very large body cannot exercise real power. There is a Standing Committee of 37 members, elected in a joint session by the Supreme Council. This Committee is called the Presidium.

The Presidium exercises the powers of the Council when the Council is not in session. It is also entrusted with certain special powers viz. grant of pardon, appointment of investigating commissions, appointment and removal of the supreme command of the armed forces, complete or partial mobilization, ratification of treaties, interpretation of laws and many others. Can declare war if Supreme Council is not in session. It may be described as the real legislature.

## Czechoslovakia.

*Area* : 54,244 sq. miles.

*Population* : 12,164,631.

*Constitution* : Military liberation by the Allied forces in II World War was completed by May 1945 and the exiled Government and President returned to Prague. The Constitution of 1920 was restored in principle.

*Form of Govt*: Republican and Parliamentary.

*Head of the State* : President elected by National Assembly for 7 years.

*Qualifications*: Eligibility for the Chamber of Deputies and 35 years. Elected by 3/5th majority (Eligible only for two terms; and then only after an interval of one term). First President exempt from above.

*Powers* : President can adjourn the assembly but not for more than 1 month and once in a year. Can also dissolve but not in the latter half-year.

President can return a Bill within a month.

If both Chambers pass by absolute majority by roll call, it becomes Act or if the Chamber of Deputies passes it by a majority of 3/5 by roll call.

Represents in foreign relations, and treaties of Commerce, finance, military and tariff.

Receives and appoints diplomatic representatives.

Declares war and negotiates peace with N. A.'s consent.

Appoints and dismisses ministers and fix their numbers.

Appoints and dismisses professors of higher education.

Judges, State officials and officers from the 6th class and upwards.

Grants donations and pensions on recommendation by Government.

He is Commander-in-Chief of all forces.

Grants pardon.



## Japan.

*Area* : 147,611 sq miles.

*Population* : 78,627,000.

*Constitution* : Promulgated by Imperial decree in 1889, in which the Emperor combined in himself the Rights of Sovereignty. The new Constitution came into force on May 3, 1947, "Constitution Day".

*Form of Govt*: Constitutional Monarchy.

*Head of the State* : The King Hirohito.

*Powers* : The Emperor under the new Constitution is only a ceremonial Head, with no executive powers.

The new Constitution of 1947 says, "An Emperor shall be the symbol of the State and the unity of the people, deriving his position from the Sovereign Will of the people. Article later was amended.

"We proclaim that Sovereignty resides with the people".

No Act of the Govt. is now exercised in his name and the Courts in administering justice make no reference to him. His office remains hereditary as according to the Law of Succession of 1889.

## Sweden.

*Area* : 173,347 sq. miles.

*Population* : 6,763,885.

*Constitution*: The fundamental laws are: the Constitution of June 6, 1809, amended regulation for the election of the Diet 1866, 1909, 1921 and the law of Royal Succession 1810.

*Form of Govt*: Constitutional monarchy.

*Head of the State* : King, Gustav V.

House of Riksdag - Hereditary and of evangelical faith. Majority 18 for King and Prince Regent.

*Powers* : King is C-in-C of forces. Acts on the advice of the Council of State.

Pardon, commutation.

Restoration of property.

Any officer may be removed by the king, subject to remonstrance by the Minister concerned.

The King has got the right of veto.

The King may grant pardon in cases of impeachment, but cannot reinstate in the services.

## **The Polish Republic.**

*Area* . 121,131 sq. miles.

*Population* . 23,929,757.

*Constitution* : On June, 1919, the treaty of Versailles recognized the Independence of Poland. As a result of a *Coup d'Etat* power passed into the hands of Pilsudski in 1926; the Constitution of 1921 was amended in 1936, and the State was set up on semi-Fascist principles.

In Dec. 1944, the Soviet Union recognized the Polish Committee of National Liberation, as the Provisional Govt; and in Feb. 1947, an interim Constitution was adopted, called "The Little Charter"

*Form of Govt* : Republican and Parliamentary.

*Head of the State* : President : term 7 years.

Elected by National Assembly by an absolute majority  
Impeached by 3/5th vote of Diet before the Tribunal of State.

*Quorum* : 1/2.

*Powers* : Cannot dissolve Diet except with Senate's or its own consent obtained by 3/5th majority.

Appoints Prime-Minister and through him other ministers.

President's prerogative of mercy not applicable to a minister's punishment.

No powers of amnesty.

## **Spain.**

*Area* : 189,890 sq. miles.

*Population* : 25,857,971.

*Constitution* : The Second Republic was proclaimed on April 14, 1931 and ended with General Franco's victory in the Civil War on April 1, 1939. In March 1947, Gen. Franco announced that Spain is to become a monarchy with a Regency Council and himself as the Head of the State.

*Form of Govt*: Dictatorship.

*Head of the State* : Dictator.

*Powers* :

Leader of the Empire and Chief of the State and Prime-Minister, exercising dictatorial powers.

## Great Britain.

*Area* : 89,041 sq. miles.

*Population* : 44,937,444.

*Constitution* : The King's legal title rests on the Act of Settlement 1701, by which the Succession to the Crown of Great Britain and Ireland was settled on the Princess Sophia of Hanover. By the proclamation of July 17, 1917, the Royal family became known as the House and family of Windsor. Under the Abdication Act of 1936, no issue or descendant of King Edward VIII have any claim or title to the throne.

*Form of Govt*: Constitutional Monarchy; Unitary and Parliamentary.

*Head of the State* : The King: George VI (1936—).  
Civil List : 410,000 £.

*Powers* : Head of the whole Constitutional system. He has the supreme power in legislation; every Bill requires his assent before it becomes Law.

He summons and prorogues the Parliament and dissolves the House of Commons before the expiry of its term. He can issue orders-in-Council and proclamations.

His legislative powers are now controlled by the Cabinet.

His veto power is never exercised.

He has wide Executive powers.

Appoints and dismisses all higher officers of the Government, including ambassadors.

The entire administration is carried out in his name.

He creates peers and confers titles. He is the head of the Army, Navy and the Air Force. All these vast powers, are exercised by the Prime-Minister and the members of the Cabinet who are responsible to the Parliament.

Likewise, theoretically, he is the 'Fountain of Justice'. All judgments in the Courts are given in his name. In practice he has ceased to perform any one of the judicial functions. Nor has he any right of interference in the judicial process. He cannot create new Courts nor alter the jurisdiction of those already in existence, though he still has the prerogative of mercy. He is the Head of the Church of England.

(Continued on page 19)

## **Egypt.**

*Area* : 383,000 sq miles. ( Cultivated and settled area is 13,600 sq miles ).

*Population* : 17,000,000.

*Constitution* : An internal disorder in 1882, led to British Military Intervention. In 1914, British Protectorate over Egypt was declared; and in 1936 an Anglo-Egyptian Treaty of Alliance was signed recognizing Britain's special interest in the defence of Suez Canal and the administration of Sudan, for 20 years. Since November 1946, negotiations have been going on regarding the revision of the Treaty. In July 1947 Egypt appealed to the Security Council, which has so far failed to make any recommendations.

*Form of Govt.* Constitutional monarchy.

*Head of the State* : The King Farouk I is the tenth ruler of the dynasty of Mohammad Ali.

*Powers* : The monarchy is hereditary ; the king acts through the Council of Ministers appointed by him, but responsible to the Parliament.

Executive powers are exercised through his ministers; Legislative powers rest with the two houses of Parliament.

King's Civil List: £ 100,000.

## **Great Britain.**

*(Continued from page 18)*

Appoints all Chief dignities and summons the Convocation.

The King enjoys immunity from political and legal responsibility as is implied in the Constitutional maxims:

"The King can do no wrong" and "The King is above Law".

He is the symbol of the nation's unity and as such inspires a loyalty as no political leader, however great ever could. He reigns but does not govern.

While the King has lost real powers his personal influence cannot be underestimated.

## United States of America.

*Area* : 3,626,789 sq. miles.

*Population* : 150,621,231.

*Constitution* : Federal Constitution drafted in 1787, came into effect in 1789. It has been amended 21 times since its adoption. None of the amendments affected the fundamental structure of the National Government.

Residuary Powers in are with the States.

*Form of Govt*: Federal and Presidential.

*Head of the State* : President is elected for a term of 4 years by an electoral college the election of delegates of which is conducted by order of State Legislatures.

Each State has as many delegates as there are its representatives in the Federal Legislature.

Nomination of the Presidential Candidates and the lists of the Presidential electoral delegates is carried out at the statutorily recognized National Convention of the parties held six months prior to the official date of election in the month of November of the year.

Presidential Candidate should be 35 years of age and having 14 years residential qualification

President and Vice-President shall be removed on an impeachment or when convicted for treason or bribery.

Salary is 240,000 dollars.

*Powers* : May hold a bill without signing it or vetoing it, in which case it becomes law at the expiration of ten days without his signature, provided the Congress is still in session.

May keep the measure on his desk and by so doing kill it, if the Congress adjourns within ten days—known as 'Pocket Veto'.

He may veto a bill or a measure outright and return it with his arguments for vetoing it to the House of its origin. But if it is passed again by both the Houses by two-third majority voting separately, it becomes law, inspite of the Presidential veto.

He is Commander-in-Chief of Army, Navy and Air Force.

Makes Treaties subject to the consent of two-third majority of the Senate.

He appoints ambassadors, other public ministers, Consuls, judges of Supreme Court and others not herein provided for with the advice and consent of the Senate.

(Continued on page 21)

## **Belgium.**

*Area* : 11,775 sq miles.

*Population* ; 8,388,526.

*Constitution* : The Kingdom of Belgium was formed into an independent State in 1830, being formerly a part of the Netherlands. The first Constitution was adopted and enforced on Nov. 10, 1830 and revised in Oct 1921.

*Form of Govt*: Constitutional, hereditary monarchy

*Head of the State* : King Leopold III was detained by the Germans in 1944. The Parliament elected Prince Charles, the king's brother, as the Regent of the kingdom of Belgium. Regency was extended indefinitely by Law of July 19, 1945. The exiled King had to abdicate after a Constitutional Referendum held in 1948.

*Powers* : Only Hereditary male line eligible; females are excluded, King's son, marrying without king's consent forfeits right to throne. But may be restored by the two houses.

King must take oath before both the Houses.

Constitutional powers ,

King can dissolve House of Representatives and order re-election.

On King's death, the Houses meet on the 10th day without summons; till then powers are exercised by ministers.

## **United States of America**

*(Continued from page 20)*

He fills up vacancies during the recess of the Senate by granting commissions which expire at the end of the next session.

He Convenes sittings of both the Houses and adjourns in case of disagreement regarding the time of adjournment; and also convenes special sessions of the Congress and sends messages.

He recommends measures, receives Ambassadors and public Ministers.

It is the most powerful and influential Executive-office in the world.

President's powers to remove Federal Officers are higher than powers of appointment.

He can enact rules and regulations supplementing Acts for control of Administrative Department.

He can exercise Pardon but not in case of impeachments and offences against States.

## Denmark.

*Area* : 16,575 sq miles.

*Population* : 4,045,232.

*Constitution* : The present Constitution was founded upon the Charter of June 5, 1915 and amended later, on Sept. 10, 1920. It is a modernized adaptation of the first Danish Constitution of 1849.

*Form of Govt* : Constitutional Monarchy.

*Head of the State* : The King. Frederik IX (1947—).

Hereditary in accordance with the Law of Succession of 1853. 18 years' age is majority for King.

Annual remuneration is determined by legislature—no remuneration when outside Denmark. Civil List of the present monarch: 1,000,000 Kroners. The King must be a member of the Lutheran Church.

*Powers* : Executive powers are vested in King, exercised through his ministers.

Appoints and recalls ministers.

The King cannot declare war or peace or alliances, cede territory or contract obligation without the consent of Rigsdag.

The King convenes and prorogues the Deit but for not more than 2 months.

The King can originate bills in Rigsdag.

Prerogative of mercy and amnesty belong to the King.

## **Austria.**

*Area :* 30,766 sq. miles.

*Population :* 6,818,593.

*Constitution :* On March 12, 1938, the independent Republic of Austria was forcibly absorbed in the German Reich. By May 1945, the Allied troops had liberated the country. A provisional Govt. was set up in the same year which restored in spirit the Constitution of 1920—29 and was recognized by the Four-power Allied Control Council.

*Form of Govt:* Federal and Parliamentary.

*Head of the State :* The President.

Elected by the National Assembly.

*Term :* 4 years; only once re-electable continuously. Presidential candidate should be 35 years of age and be a voter for National Council. Members of the reigning houses or ex-royal houses are not eligible.

If President is disabled, duty passes to Federal Chancellor.

*Powers :* Powers relate to foreign relations, appointment of ambassadors, federal officials and army officers. Confers titles—professional and official.

Pardoning and legitimatising illegitimate children but all this is to be done on the initiative of Federal Government.



## Mexico.

*Area* : 758,062 sq. miles.

*Population* : 22,776,041.

*Constitution* : The new Constitution amending the Constitution of 1857 was promulgated on Feb. 5, 1917 and has been frequently amended between 1928-46.

*Form of Govt*: Republican and Federal.

*Head of the State* : The President, elected by direct popular vote at a general election. Holds office for 6 years.

Cannot be re-elected.

*Qualifications*: He should be a Mexican citizen by birth or son of Mexican parents (by birth), over 35 years; not having engaged directly or indirectly in any riot or military coup.

Interim vacancy is filled by Congress, which if in session, shall become an electoral college. If not in session, permanent committee shall choose and summon Congress in an extraordinary session for the purpose.

President shall not resign except with the consent of the Congress and that too for grave reasons.

*Powers* : Can originate legislation.

Regarding Veto, he has the same limited powers as the American President.

Promulgates and executes Laws.

Appoints and removes secretaries, agents, generals and governors.

Appoints and removes, with Senate's approval all ministers, diplomatic agents, consuls-general. Also colonels of Army and superior officers of the Treasury.

Appoints other officers.

Head of the Army and Navy.

Disposes of National Guard.

Declares war after resolution by the Congress.

Grants Letters of Mark.

Conducts diplomatic negotiations and Treaties.

Summons extraordinary sessions of the Congress.

Grants pardon. Grants exclusive privileges for inventions and discoveries.

## Norway.

*Area* : 124,556 sq. miles.

*Population* : 2,814,174.

*Constitution* : By treaty of January 1814, Norway was ceded to the king of Sweden by the king of Denmark; the people of Norway however, declared themselves independent and elected prince Fredrick as their king. Foreign powers refused to recognize this election. Later, a Convention declared the independence of Norway, in a personal union with Sweden. The Union was dissolved in 1905; and after a plebiscite Prince Carl of Denmark was elected King and took the name of Haakon VII.

*Form of Govt* : Hereditary Constitutional Monarchy.

*Head of the State* : The King ; can propose a successor if he has no heir. King Haakon VII ( 1905— ).

*Powers* : He is Commander-in-Chief of Land, Air and Sea Forces.

Makes all appointments.

Bills not expressly assented to by the king are deemed as rejected.

## Italy.

*Area* : 112,000 Sq. miles.

*Population* : 45,656,000.

*Constitution* : On June 10, 1946, Italy became a republic, as a result of a constitutional referendum. Thus ended the reign of the house of Savoy whose Kings had ruled over Italy since 1867. The new constitution was passed by the Assembly in December, 1947; and came into operation on January 9, 1948.

*Form of Govt* : Republican and Parliamentary.

*Head of the State* : President, elected in a joint session of Chamber and Senate and delegates from each Regional Council. He must be over 50 years; term of office 7 years. The President can dissolve the Parliament except during the last six months of his office.

The President of the Senate acts as his Deputy. The President is also Senator by right and for life.

## Germany.

*Area :* 225,528 sq. miles.

*Population :* 66,003,712.

*Constitution:* In 1918, after the defeat of Germany, the German Emperor Kaiser Wilhelm abdicated and the Empire came to an end. The National Assembly met at Weimer in 1919 and adopted a Constitution of the German Republic which was promulgated the same year—known as the Weimer Constitution.

*Weimer Constitution (1919-33):* It replaced the Imperial and State Government by Republican Democracy and enunciated an advanced creed of political rights and social reconstruction. It was then regarded as the most perfect of all Democratic constitutions. It provided for a President elected by the whole people for a period of 7 years—a constitutional nominal head of the state. With the death of president Hindenburg in 1934, the last occupant, the office ceased to be.

*Third Reich 1933-1945 :* Hitler, through a constitutional referendum, combined the office of the President and the Chancellor, and assumed the title of the Leader and the Reich Chancellor. With the advent of Hitler, the Weimer Constitution, though allowed to exist, was entirely transformed. The Enabling Act of 1933 and subsequent Acts altered the whole structure and spirit of the Weimer Republic. These Acts completed the unification of Germany, which under Weimer Republic had retained its federal structure. Power was centralised in the hands of the Leader.

Germany's unconditional surrender in June 1946, and the defeat of Hitler, brought to an end the brief and stormy history of the Third Reich.

*Germany since 1945 :* All power in Germany was transferred to the Governments of the four principal Allies to be exercised by the Commanders-in-Chief of the Armed forces of U. S. A , United Kingdom, Soviet Union and France, each in their own zone of occupation, and jointly in matters affecting the whole of Germany, in their capacity as members of the Control Council.

The Potsdam agreement laid down that for the time being no Central German Government shall be established except in regard to essential administrative departments,

*(Continued on page 27)*

## China.

*Area* : 4,278,352 sq. miles.

*Population* : 470,026,252.

*Constitution*: The present Constitution of the Chinese Republic was adopted in December 1946 and became effective on December 25, 1947.

*Form of Govt* : Republican and unitary and Parliamentary.

*Head of the State* : President is elected by the National Assembly for 6 years; may be re-elected for one other term only.

*Powers* : He is Supreme Commander of all Land, Air and Sea Forces.

He appoints the President of the Executive—*Yuan*—with the consent of the legislature; and with the help of the Premier he appoints ministers with or without portfolio.

(N. B.—Civil war broke out in China soon after the Japanese surrender. The Communist forces have extended their area in their recent offensive. In consequence Chiang Kai Shek resigned his office as the President of the Republic. The Kuomintang Government is now negotiating for peace.—Feb. 1949).

## Germany.

( *Continued from page 26* )

as Finance, Transport, Trade, Industry; this decision has been carried out. But the U.S.A. and U.K. Governments have for the combined Anglo-American zone set up a unified Economic financial and legal administration.

The future Constitution of Germany is a matter which will depend upon the settlement of peace terms and other issues which now divide the great powers.

( N. B. For administrative control of Germany by the Allied Powers see other sections )

## Burma.

*Area* : 261,757 sq. miles.

*Population* : 16,823,798

*Constitution* : The British rule in Burma was established in 1897, when the country became a part of India. It was separated from India on April 1, 1937. The British control over Burma came to an end on January 4, 1948, when the Union of Burma, was formally inaugurated as a result of an agreement with the British Govt. The Constituent Assembly was set up in April 1947. The Constitution of Burma was unanimously passed six months later.

*Form of Govt*: Republican Unitary and Parliamentary.

*Head of the State* : The President of the Union is to be elected by both the Chambers of the Parliament in a joint session for a five year term. Re-election is to be allowed once only.

*Powers* : He summons, prorogues and dissolves the Chamber of Deputies, on the advice of the Prime-Minister. He has no right of vetoing Bills.

In the event of his death his powers are to be exercised by a Commission consisting of the Chief-Justice and the Speakers of the two Houses.

## Ceylon.

*Area* : 25,332 sq. miles.

*Population* : 6,695,605.

*Constitution* : Ceylon was annexed by the British in 1796. In 1802, it was separated from India and formed into a Crown-Colony. Ceylon reached full responsible status within the British Commonwealth when the Ceylon Independence Act 1947, came into force on February 4, 1948.

*Form of Govt*: Unitary and Parliamentary.

*Head of the State* : The Governor-General appointed by the Crown on the recommendation of the Ceylonese Cabinet.

*Powers* : The Governor-General is the Constitutional head of the state and acts on the advice of the Ministers.

## SECTION II.

This section deals with the Executives of the different countries. These have been termed as '*Political Executives*' in contradistinction with the legal executives like the Kings, the Governor-Generals and the Presidents, who have, in the modern times, become just nominal Executive-heads of the States, signing the papers passed on to them by the Ministers who wield the real power. In most of the cases, it is the Cabinet-system that we deal with hereafter.

## France.

### *Political Executive*

According to the Constitution of the Fourth Republic President of the Republic designates the President of the Council of Ministers at the beginning of each legislature. The choice of the President depends upon the party-situation in the National Assembly.

The Council of Ministers can only take office after the programme and policy have been approved by public vote and by an absolute majority of the National Assembly. The size of the Council of Ministers is not fixed. The ministers are collectively responsible to the National Assembly, for the general policy of the cabinet and for their personal actions.

A vote of no confidence and a vote of Censure against the Council of Ministers require an absolute majority and involves the collective resignation of the Cabinet.

The Constitution further stipulates that if two Cabinet-crises occur within 18 months, then the Council of Ministers with the consultation of the President of the Republic, may decide to dissolve the National Assembly.

Ministers have access to both the Chambers.

The Constitution also provides for an Economic Council to assist the Council of Ministers and the National Assembly on economic matters. This must be consulted on economic planning for full employment and nationalization.

Present strength of the Council of Ministers is 15.

## Ireland.

### *Political Executive* :

The Executive power of the State is exercised by the Government, consisting of not less than 7 and not more than 15 members responsible to the Dail Eiream (House of Representatives). The Prime-Minister is the Head of the Government appointed by the President on nomination of the Dail Eiream. Other ministers are appointed on the advice of the Prime-Minister. But all must be members of the Dail Eiream.

They can attend, and shall be heard by the Seanad Eiream.

Present strength is 13.

## Australia.

### *Political Executive :*

The Governor-General exercises his executive powers on the advice of an Executive-Council.

The whole policy of the Government is in practice determined by the Ministers of State (the Cabinet) meeting under the chairmanship of the Prime-Minister.

The Cabinet is not a part of the legal machinery. Its meetings are private. No record of the proceedings or of the decisions taken is kept. The Cabinet, as in the United Kingdom, controls the general legislative programme substantially and guides the proceedings of the Parliament.

The Executive-Council is presided over by the G. G. and its members hold office during his pleasure. Its meetings are formal in character and a record of its proceedings is kept.

Actually it gives legal effect to the decisions and programmes of the Cabinet.

Ministers must be members of either House of the legislature or must become so within three months.

Salary : £ 12,000 per annum.

Present strength is 19.

## Canada.

### *Political Executive :*

Under the provisions of the Act of 1867, the Governor-General is assisted in his functions by a Privy-Council composed of Cabinet-Ministers.

Constitutional practice regarding the appointment of the Prime-Minister and other ministers of the Government is the same as in the United Kingdom. The defeat of a Government measure does not necessarily involve the resignation of the Government.

Present strength is 19.

The Prime-Minister receives a salary of 15,000 dollars a year and ministers 10,000 dollars plus sessional indemnity. The leadership of the opposition is a recognised office. The leader of the opposition receives a salary of 10,000 dollars per annum plus sessional indemnity.



## **South Africa.**

### *Political Executive :*

The Governor-General carries on the administration with the help of an Executive-Council, whose members are in charge of the various Government Departments. The Prime-Minister and the members of the Executive Council are appointed by the Governor-General but are responsible to the Parliament.

Constitutional convention regarding the removal of the Cabinet is the same as in the United Kingdom.

Present Strength is 12.

## **Spain.**

### *Political Executive :*

The leader of the Empire and Chief of State, Prime-Minister and Head of the Falange Party is assisted by a Cabinet consisting of 13 members, who are in charge of various portfolios.

## **Switzerland.**

### *Political Executive :*

The chief Executive authority is vested in the Federal Council which consists of 7 members, elected for 4 years by the Federal Assembly, in such a way as no Canton would have more than one.

The President of the Confederation and the Vice-President of the Council are themselves nominated by the National Assembly for one year.

Federal Council is politically neutral: members can speak on either side: as a body it appoints all officers of the State. Federal Councillors are the heads of various Government Departments.

Each Councillor draws a salary of 48,000 francs per annum.

## **United States of America**

### *Political Executive :*

The administrative business of the Nation is vested in several executive Departments—10 in all. The Heads of these Departments form the President's Cabinet. All Heads of the Departments are appointed by the President with the approval of the Senate and are responsible to him. He may or may not consult them.

The President's Cabinet is an advisory and consultative body and not politically responsible to the Congress.

Under the National Security Act of 1947, a new Executive Department of the Air Force was established to operate with the Departments of the Army and Navy under the direction of the Secretary of Defence. The Secretary of Defence now takes the place of the former Secretary of War as the Cabinet member.

Executive business in America is also entrusted to independent agencies such as the Public Works Agency, Tariff Commissions etc. Interstate Commerce Commission was the first of such bodies to be set up in 1887.

## **Belgium.**

### *Political Executive :*

The Executive Government is appointed by the King from among the elected members of the Chamber of Representatives and are responsible to it.

Present strength is 18 with Paul Henri Spaak as the Prime-Minister.

## **Austria.**

### *Political Executive :*

Political Executive is the Federal Council, consisting of Chancellor, Vice-Chancellor and other members of the ministry appointed from among the members of the majority party in the National Assembly; and is responsible to it for its acts and policies.

The present Government with Leopold Figl as Chancellor was formed in 1948, and consists of 15 members.

## **Sweden.**

### *Political Executive :*

The King acts under the advice of the Council of State. (Relatives of the King are excluded). It consists of Heads of Departments up to 10 with 3 others of whom 2 should have held office. A minister need not be a member of either House.

For foreign affairs, special minutes are kept. Agreements urgently required are concluded without Rigsdag's consent but must be placed before it later.

Cabinet has a right to protest against the King's decisions when adverse; else the minister concerned is held responsible.

When a minister's advice is rejected by the King even after the Council of State recommends, he resigns.

Present strength is 13.

## **Denmark.**

### *Political Executive :*

The Executive called the Council of State acts under the King, who appoints and presides over its meetings. In his absence, the Prime-Minister presides; the proceedings are forwarded to the King for approval. Ministers are individually and collectively responsible for their acts. They have free access to both the Houses, but can vote only in the Chamber of which they are members.

Present strength is 16.

## **Japan.**

### *Political Executive :*

Under the Constitution of 1947, executive powers rest with the Prime-minister and his Cabinet who are chosen by the Diet from its own members. The Prime-Minister must be a civilian and not a former Army or Navy officer.

The present Cabinet appointed in March 1948, consists of 12 members.

## **Czecho-slovakia.**

### *Political Executive :*

The Government is carried on by the Prime-Minister and his Council of ministers constituted of the members of the majority party in the National Assembly, and responsible to it.

The all-party Government which had been in power since 1946, was forced out of office under Communist pressure in February, 1948. The new Government consists of 19 ministers. Constitutional practice is the same as in other parliamentary countries.

## **Burma.**

### *Political Executive :*

The Executive powers of the Union are exercised by the Prime-Minister and his colleagues who are appointed from among the members of the majority party in the Union Parliament. The Ministry is responsible at all times to the Parliament for its acts and policies.

The present Cabinet was composed in March 1948 and consists of 17 members.

## **Norway.**

### *Political Executive :*

The King exercises his executive powers through a body called the Council of State composed of the Prime-Minister and at least 7 ministers.

Ministers who are not members of the Storting (Parliament) can be appointed to the Council. They are entitled to be present in the Storting and take part in discussion; but they cannot vote. Every Minister must profess the State-religion; he can be disqualified on this ground.

Present strength is 15.

## **Russia.**

### *Political Executive :*

The highest executive and administrative organ of State power of the U.S.S.R., is the Council of Ministers (formerly known as Council of People's Commissars).

It roughly corresponds to the Cabinet in other parliamentary Governmental systems. It is composed of ministers or commissars who are chosen by the supreme council at a joint session of its two Chambers and is responsible to it. In the interval between the sessions it is responsible to the President of the Supreme Soviet.

The Council of ministers itself includes two sections.

(a) The all Union Commissarate who are in charge of matters common to all the federating units, as Foreign affairs, Defence, Foreign Trade, Railways, Heavy Industry etc; they have no corresponding commissarates in the constituent Republics. They administer their respective fields through subordinate organs which they appoint and direct.

(b) The Union Republic Commissarates, are duplicated in each of the eleven republics; and deal with matters over which these republics have jurisdiction, such as, agriculture, food, light industry, trade, justice, health, local affairs. They co-ordinate the administrative work in these fields throughout the Union. Actually while the control of administration is centralized, the performance of it is to a considerable extent decentralized.

Each member of the Council is assisted by a group of advisers; in addition, there are numerous special advisory Boards and Planning Boards.

## **Egypt.**

### *Political Executive :*

The King acts through a Council of Ministers who are appointed by him, but are directly responsible to the Parliament. Ministers need not be members of either House of the Legislature though generally they have seats in one or the other House.

Strength of the present cabinet is 13.

## Great Britain.

### *Political Executive :*

The Executive authority is vested nominally in the Crown, but actually in a committee of Ministers, whose existence is dependent on the support of a majority in the House of commons.

The head of the ministry is the Prime-Minister—a position first constitutionally recognized in 1905. He is the leader of the majority party in the House of Commons. His colleagues in the ministry are appointed by the King on his recommendation. All ministers must become members within 12 months, of either House. The size of the ministry is not fixed.

The Cabinet consists of the important members of the ministry, and forms the 'inner circle'. Its size varies. All important decisions regarding the policy of the Government rest with the Cabinet which meets at 10, Downing Street, London, from time to time.

All members of the ministry are not members of the Cabinet, though a Cabinet-member is a minister; yet a defeat of the Government policy would mean the resignation of the entire ministry.

The ministers have collective and individual responsibility. The principle of Cabinet-solidarity is well established in U. K. The Premier can dissolve the House of Commons, and order a new election. He can also ask for the resignation of his colleagues, in case of serious difference of opinion or misconduct.

The Prime-minister, as the first Lord of Treasury gets, £ 10,000 P.A. while other ministers get £ 5,000; still others £ 2,000.

Size of the present Cabinet is 16.

Size of the present ministry is 36.

## Mexico.

### *Political Executive :*

The administration is carried on under the direction of the President, in whom all real executive powers are vested; and a Council formed by the Secretaries of the eleven ministers, and the leader of the three departments.

## **China.**

### *Political Executive :*

The President of the Republic appoints the President (i.e. The Premier) of the Executive Yuan with the consent of the legislative Yuan.

On the Premier's recommendation, he appoints the rest of the ministers.

The administration is carried on by the Executive Yuan, which consists of the President (i.e. the Premier) a vice-president, the heads of ministries and commissions, and a number of ministers without portfolio.

The Executive Yuan is responsible to the Legislative Yuan, in matters of major policy, general legislation, Finance and Treaties.

In case of a difference of opinion between the Legislative and Executive Yuan, the latter may with the consent of the President of the Republic, veto any resolution of the Legislative Yuan.

If the Legislative Yuan overrides the veto, the Premier must either yield or resign. (The Chinese Constitution in this respect is a mixture of the Presidential and Parliamentary types of Governments).

The authority of the Executive Yuan is limited to the subjects defined in the Constitution specifically.

Strength of the present Executive Yuan is 17.

## **Turkey.**

### *Political Executive :*

According to the Art : 7 of the Constitutional Law of 1924, the Grand National Assembly exercises executive powers through the President of the Republic, elected by itself, and through a Council of Ministers, chosen by him.

The Assembly has at all times the power to control the actions of the Government, and can dismiss it any time.

The Council of Ministers has a President and a Vice-President, corresponding to the Prime-Minister and the Deputy Prime-Minister in other parliamentary countries.

Strength of the present Council of Ministers is 17.

## **Germany.**

Allied Control authority for Germany (Since 1945—)

*Control Council.* The Supreme authority in Germany to-day, is exercised, on the instruction from their respective Governments by the Commanders-in-Chiefs of the Armed Forces of U.S.A., G.B., France and the U.S.S.R. each in its own zone of occupation, and jointly in matters affecting Germany as a whole, through a Control Council.

The Control Council consists of the unitary Governors of the four occupying forces; each member acts as Chairman of the Council by rotation for a period of one month.

Decisions of the Council must be unanimous.

*Co-ordinating Committee.*

This body is composed of the Deputy Military-Governors of the four zones of occupation acting as representatives of each of the Commanders-in-Chiefs. The Control Council refers majority of problems to the Co-ordinating Committee for recommendation of action, and for implementation of its decisions. It also gives a preliminary approval to Common Laws before they are passed for final action by the Control Council.

## **New Zealand.**

*Political Executive :*

The Political Executive is constituted of the members of the majority party in the General Assembly as in all parliamentary governments.

Procedure regarding appointment of ministers and matters relating to responsibility are likewise similar. The strength of the present ministry is 17.

The Prime-Minister receives a salary of £ 1800 per annum and residence.

Ministers are provided with residences and they receive a salary of £ 1170; and those who are not provided with residence receive an additional house allowance of £ 200.



## **Italy.**

### *Political Executive :*

The Political Executive is constituted from among the members of the majority party in the Italian Parliament; and it is responsible to the Parliament for its acts and policy.

The Cabinet can be forced to resign only on a motivated motion of Censure. The defeat of a Government Bill does not involve the resignation of the Government, as in Canada.

The strength of the present Cabinet as composed in Feb. 1948 is 18.

## **Polish Republic.**

### *Political Executive :*

It also follows the general pattern of Parliamentary Government regarding the method of appointment, powers and responsibilities of the ministers.

The Diet empowers the Government to issue decrees in the interval between Parliamentary sessions but not for the introduction of taxes or conscription.

The strength of the present ministry is 21.

## **Ceylon.**

### *Political Executive :*

The Political Executive, as in other parliamentary countries, is appointed from among the majority party in the Legislature and hold office as long as they can command the confidence of the House.

The present Government formed by the United National Party consists of 13 members.

For the purposes of general administration the island is divided into 9 Provinces each presided over by an agent of the Government, assisted by Departmental subordinates.

## SECTION III.

This section deals with the Second Chambers of all the Constitutions. Sometimes the Second Chamber is called the 'Upper Chamber' as it usually represents special interests in contrast with the 'Lower Chamber' which directly reflects the real will of the people.

There was a time when some political philosophers advocated that there was no need of a 'Second Chamber'. They argued that if a Second Chamber always dittoed the measures passed by the Lower Chamber, it was useless; and if it put hurdles in the way of the First Chamber, it was a nuisance. But, in spite of such arguments, Second Chamber has come to stay in most of the Constitutions. It serves as a check against hasty and ill-concieved measures passed by the Lower House in a high tempo of popular sentiment. The Second Chamber provides for the representation of elderly people of high academic qualifications and men of letters who otherwise would not stand for elections and put up with the heated controversies. It also gives a scope for vocational representation; and most important of all, Second Chamber is a necessary institution in a federation to give representation to the Provinces as units.

## **Ireland.**

*Second Chamber :* Seanad Eirean (the Senate).

*Size :* 60.

*Term :* 12 years.

*Composition :* Of the 60 members, 11 are nominated by the Prime-minister ; 6 are elected by the Universities ; the remaining 43 are elected from 5 panels of candidates on a vocational basis representing public services and interests.

*Powers of the Senate :* A maximum period of 90 days has been afforded to the Senate for the consideration and amendment of Bills sent to that House by the Dial. It has no power to reject legislative proposals, though it can initiate measures. Money Bills must originate in the lower House.

The Senate's recommendations regarding money Bills may be rejected by the Dial.

## **Australia.**

*Second Chamber :* The Senate.

*Size :* 36.

*Term :* 6 years.

*Composition :*

Of the 36, at least 6 are for each of the original states voting as one electorate. One-half are renewed every third year. Interim vacancies are filled by legislatures ; but failure to send Senators does not prevent the Senate business.

Absence for two consecutive months, deprives the Senator of his seat.

*Powers :* Has co-equal powers with the House if representative, except in regard to Money Bills. It cannot originate money Bills ; nor amend them, though it has the power to reject them.

In the event of a serious deadlock the Governor-General dissolves the Houses. Ordinarily a joint sitting is convened, at which an absolute majority is required.

## **South Africa.**

*Second Chamber* : The Senate.

*Size* : 40.

*Term* : 5 years.

*Composition* : Of the total members, 8 are nominated by the Governor-General-in-Council ; and 32 are elected by the provincial legislature 8 for each province.

The Representation of the Natives Act 1936, provides for a direct representation of Natives in the Senate. This provides for the election of four additional Senators; each represents one of the four electoral areas into which the Union is divided.

Each Senator must be a British subject of European descent ; at least 30 years of age ; and must be owner of property up to the value of £ 500.

Senate appoints its own presiding officer.

Its powers over money Bills are restricted ; it cannot initiate money Bills so as to increase taxation.

In case of deadlock between the two Houses, joint sittings are convened during the same session : and the issue is decided by a majority vote.

Quorum is 12.

## **New Zealand.**

*Second Chamber* : The Legislative Council.

*Size* : 37.

*Term* : 7 years.

*Composition* : Formerly nominated by the Governor-General, they are now elected. They receive a salary of £ 375 per annum.

*Powers* : Has co-equal powers regarding ordinary Bills ; can amend and reject Bills other than money Bills.

In the event of a deadlock, a joint sitting is convened. If the Bill is not affirmed, a dissolution of both the Houses follows.

## Canada.

*Second Chamber :* The Senate.

*Size :* 96.

*Term :* For life.

*Composition :* The 96 members of the Senate are nominated for life by the Governor-General acting on the recommendation of the Prime-Minister. The 96 seats are geographically distributed as follows : Ontario 24 ; Quebec 24 ; Nova Scotia 10 ; New Brunswick 10 ; Manitoba 6.

Prince Edward Island 6 ; British Columbia 6 ; Alberta 6 ; Saskatchewan 6.

The total number may not exceed 104. Each Senator must be 30 years of age, hold property upto £ 4000 in value and must be a resident of the province for which he is appointed.

He will lose his seat if he fails to attend two consecutive sessions of the Senate or if he is declared a bankrupt, or on a charge of treason. The Senate has no powers nor does it exercise any influence on the Government.

It is the weakest Second Chamber in the world.

Each Senator enjoys 4000 dollars as a sessional allowance.

The Speaker of the Senate gets in addition 10,000 dollars as salary and allowance.

Quorum is 15.

## France.

*Second Chamber :* The Council of the Republic.

*Size :* Between 250 and 320 (Present House—305).

*Composition :* Members are elected by communal and departmental bodies, by indirect universal suffrage.

*Powers :* It examines and gives its opinions upon the projects and proposals of law voted after a first reading by the National Assembly.

In case of divergence, the National Assembly has the final decision.

## **Czecho-slovakia.**

*Second Chamber* : Senate.

*Size* : 150.

*Term* : 8 years.

*Composition* : A Senator must be 40 years of age.

Election is held according to principle of Proportional Representation.

*Powers* : Co-equal powers regarding the initiation of legislation. Bills originating in the lower House (Chamber of Deputies) must be affirmed by the Senate within a fixed period of time—six weeks for ordinary Bills and one month for money Bills.

(i) If a bill is initiated by the Deputies, and rejected by the Senate, and re-affirmed by absolute majority of Deputies, then, the Bill is passed. (ii) But if it is rejected by  $\frac{3}{4}$  majority of Senate, then  $\frac{3}{5}$  of the Chamber of Deputies is required to pass that Bill. (iii) A Bill is initiated by the Senate but is rejected by the Chamber of Deputies then the Senate may re-affirm and refer; and if again rejected by the Chamber, then it shall drop altogether. Bills so rejected shall not be reintroduced for a year. Amendments by the either Chamber are tantamount to rejection.

## **Polish Republic.**

*Second Chamber* : Senate.

*Size* : One-fourth of the Diet.

*Composition* : One-fourth from each province elected by Proportional Representation.

Candidates must be 30 years of age.

*Powers* : Amendments may be proposed by the Senate within 30 days, which may be passed by Diet or rejected by  $\frac{11}{12}$ th majority when they are treated as rejected.

The Senate dissolves if the Diet is either dissolved by the President or of its own accord.

## **Austria.**

*Second Chamber :* Federal Council.

*Composition :* Vienna and Lower Austria have 12 seats and other provinces send proportionately to their citizens subject to a minimum of 3. For each member a substitute is appointed. At least one seat is given to the party having the second highest number. Elected by Provincial Diets by proportional representation from people fit to be candidates of Provincial Diet but not members thereof.

This Law can be changed by Federal Council only if the majority of the 4 provinces accept it.

The chairmanship shall pass to each province every six months in alphabetical order and to the person of the province who has polled highest quorum rules.

*Powers :* Can send amendments to laws within 8 weeks to National Council through Federal Chancellor. But a re-affirmation by National Council ( If there is no more amending by Federal Council within 8 weeks) authenticates and promulgates the law.

Federal Council is precluded from amending rules of procedure of National Council, dissolution of National Council and grant of federal estimates, federal Loans or administration of federal property. Federal Council is precluded from altering the same.

Federal Council cannot interfere with Federal estimates or loans.

## **Japan.**

*Second Chamber :* House of Councillors.

*Size :* 250.

*Term :* Half of its members are elected every three years.

*Composition:* The new House replaces the hereditary House of Peers. It is composed of two categories of members—100 are elected at large; and 150 from prefectural districts.

*Powers :* It has co-equal powers, except in regard to finance and approval of treaties with foreign powers which belong to the House of Representatives.

## Norway.

*Second Chamber* : Lagting.

*Size* : 37.

*Composition* : One-fourth of the members of the Storting ( Parliament ), the remaining  $\frac{3}{4}$  constitute the Lower House.

*Powers* : Co-equal powers, regarding legislation except regarding initiation ; all new laws must originate in the Lower House. The Lagting has the right to accept or reject; in cases of disagreement, the two sections assemble and deliberate in common. A  $\frac{2}{3}$ rd majority is necessary for a final decision.

The Lagting nominates its own President. With the ordinary members of the Supreme Court of Justice, they form the High Court of the Realm.

## Sweden.

*Second Chamber* : The Senate.

*Size* : 150.

*Term* : 8 years; one eighth retiring every year.

*Composition* : Elected by members of County Councils and electors of 6 towns in the eight group elections taking place in one group in September every year.

Candidate must possess from 3 years before election real property of taxed value of 50,000 Kronas (£ 2,777) or annual income of 3,000 Kronas (£ 166).

*Powers* : Equal powers for both the Houses.<sup>7</sup>

When the two Chambers vote separately the decision is ascertained by counting the votes in the Chambers separately; and the majority of the two determines the issue.

Chooses its own Speaker since 1921.



## United States of America.

*Second Chamber* : The Senate.

*Size* : 96.

*Term* : 6 years ; one third retiring every second year.

*Composition* : Two members from each State elected by direct popular vote. Senators must be 30 years of age ; must have been citizens of the U.S.A. for 9 years and be residents in the States in which they are elected.

*Powers* : The Senate has equal powers regarding initiation of measures other than revenue bills which must originate in the lower House. It may amend or reject any bill passed by the House of Representatives. Unlike any other Second Chamber in the world the Senate is entrusted with certain executive functions. It has the power of confirming or rejecting all major appointments made by the President.

Secondly, it has the power of giving or withholding advice and consent to the ratification of Treaties made by the President with foreign powers. A 2/3rd majority is required for approval.

It also constitutes the High Court of Impeachment with power to remove from office any civil officer of the U.S.A.. impeached by the House of Representatives. For this also a 2/3rds majority is required.

The vice-President of the U.S A. is the President of the Senate. The Senate has 15 Standing Committees to which all bills are referred for study and revision. Generally speaking the American Senate is the most powerful Second Chamber in the world to-day.

## Denmark.

*Second Chamber :* Landsting.

*Size :* 76.

*Term :* 8 years.

*Composition :* Out of the 76, 59 are elected by electoral colleges for larger constituencies; 19 are elected by proportional representation by all outgoing members of Landsting. One half of 59 are renewed every 4 years. The remaining go out all at once after 8 years.

Every voter for Folketing should be 35 years of age and a resident in the electoral area. The group of 19 elected by Landsting need not be residents.

Remuneration is the same as that of the members of Folketing.

Each Chamber elects its chairman.

*Powers :* Either Chamber can initiate a Law.

When the Folketing passes a bill it is sent to Landsting within 3 months of the end of the session.

Then if the Bill is not passed or no agreement is reached between two Houses, a joint parliamentary committee is appointed and it reports on the situation and makes suggestions.

And when Folketing is renewed by general election, it adopts the bill once again during the ordinary session and sends it to Landsting. Then the King may dissolve Landsting if there is still no agreement.

With this exception Landsting is dissolved only when constitution is to be amended.

## Italy.

*Second Chamber* : The Senate.

*Size* : Not fixed—present strength is 344.

*Composition* : Of the total number of members, 237 are elected and 107 are appointed. The appointed Senators are selected from various categories of citizens e.g. high dignitaries of the Church; persons holding important offices in the Government or high rank in the Army or Navy, members of the Royal Academies, and others who by their services have done honour to the country.

*Powers* : Enjoys equal legislative powers with the Chamber of Deputies, except for the customary provision that money Bills must originate in the Chamber. But it has never assumed an important share in the legislative programme or moulding public policy. Nor has it been instrumental in ousting ministries. During the Fascist regime, it had fallen a little in prestige.

## Switzerland.

*Second Chamber* : Ständerat or Council of State.

*Size* : 44.

*Term* : Tenure of office of the members is left to the Cantons which they represent.

Term generally varies from 1 to 4 years.

*Composition* : The twenty two Cantons of the Confederation send two members each and who also fix their term of office. The mode of their election and the term of their membership rests entirely on the Cantons.

*Powers* : The Senate enjoys equal powers, though actually it wields less authority with the Lower House; it constitutes the Federal Assembly, and as such represents the Supreme Government of the Republic.

## **China.**

*Parliament* : Legislative Yuan.

*Term* : 3 years.

*Composition* : Is a unicameral body. Its members are elected mainly on the basis of territorial and professional representation. They are eligible for re-election and are subject to recall. Members of the Yuan, may not hold a public office.

*Powers* : It is the supreme law-making body to which the Executive-Yuan is responsible in matters of major policy, legislation, budget and treaties. It can override the veto of the Executive Yuan by two-third vote thereby compelling it to either abide by the resolution or resign. The Yuan holds two regular sessions every year and extraordinary sessions convened by the President of the Republic or at the request of a quarter of its members.

## **Mexico.**

*Second Chamber* : The Senate.

*Size* : 58.

*Term* : 6 years.

*Composition* : 2 Senators from each State and the federal district; renewed after every six years. Senators are like Deputies, ineligible for re-election until another term is elapsed.

*Powers* : Powers are co-equal with the Chamber of Deputies. During recess there is a permanent committee of 14 Senators and 15 Deputies appointed by the respective Houses to transact business on behalf of the Congress.

## Great Britain.

*Second Chamber* · The House of Lords.

*Size* : 841.

*Term* : Hereditary.

*Composition* : The oldest legislative body in the world, is a hereditary Second Chamber and is composed of six different categories of members. (i) Princes of the Royal Blood. (ii) Hereditary Peers of Great Britain, constitute the largest element. (iii) Representative peers from Scotland. (iv) Representative peers from Ireland. (v) Lords Spiritual i.e. Archbishops of Canterbury and York and 24 Bishops. (vi) Law lords, non-hereditary.

These categories have no political significance. Party alignment of the House is not fixed, though the majority belongs to the Conservative Party. The House is presided over by the Lord Chancellor.

*Powers* : The Parliamentary Act of 1911 (recently amended) has curtailed the powers of the House of Lords considerably.

It can now delay legislation for two years; it can neither amend nor reject a bill which has been certified by the Speaker of the House of Commons as a Money Bill. It performs largely a function of revision and amendment of all non-Money Bills. Though it contributes members for the Cabinet it has never overthrown a Cabinet by an adverse vote, where responsibility lies in the direction of the House of Commons.

Yet it provides a forum for debate and discussion on larger questions of policy. It is still the highest judicial Tribunal of appeal for Great Britain and North Ireland—a power untouched by the Act of 1911. It also acts as the Court of Trial for persons who have been impeached by the House of Commons for treason. Numerous proposals for the reform of the House of Lords have been put forward since 1911. It is still a much debated question in England.

## **Russia.**

*Second Chamber* : Council of the Union.

*Size* · 647.

*Term* : 4 years.

*Composition* : The new Constitution vests the legislative power of the Union in the Supreme Council of the U.S.S.R. composed of two Chambers. The members of the Council of Union, are chosen by popular vote from election districts, one for 300,000 inhabitants. Election is by secret ballot, with universal suffrage.

*Powers* : Enjoys equal right with the other Chamber, the Council of Nationalities, to initiate legislation. No distinction is observed, as in all other countries between ordinary and financial measures

Deadlock between the two Houses is settled by Joint Committee or Conference. If this fails the question is reconsidered by both bodies. As a last resort the President may dissolve the Chamber, and order a general election to decide the issue.

## **Burma.**

*Second Chamber* : Chamber of Nationalities.

*Size* : 125.

*Term* : 4 years.

*Composition* : Union Parliament consists of two Chambers. This Chamber of Nationalities consists of 125 members of which 53 represent the Union proper, and 72 represent States and tribal areas.

*Powers* : Co-equal powers with the Chamber of Deputies—the lower House.

## Spain.

*Parliament* : Cortes (Unicameral system).

*Size* : 438.

*Term* : Indefinite.

*Composition* : The Law of 1942, re-established the Spanish Cortes, on Fascist lines, as the supreme legislative organ of the state to prepare and elaborate the Law without prejudice to the sanction pertaining to the Chief of the State.

The Cortes is composed of Procuradores, (attorneys) either by election or by virtue of the state office or position held as follows.

- (a) Cabinet ministers.
- (b) The 'Falange' national councillors.
- (c) President of the State Council of the Supreme Court and of the Supreme Court of military justice.
- (d) Members of the national syndicates not to exceed one-third of the total members of attorney.
- (e) Mayors of each of the 50 capitals of Provinces and a representative for the remaining municipalities.
- (f) Heads of the Universities.
- (g) President of the Institute of Spain, and of each of the Royal academies composing it.
- (h) The President of the Institute of Civil Engineers.
- (i) Barristers to represent Courts, one representative each for medical, pharmaceutical veterinary and architectural professions.
- (j) Members appointed by the Chief of State from among persons of high standing in military, administrative or social life or those who have rendered eminent service to Spain. Members of Cortes must be 21 years of age and enjoying full civil and political rights.

*Powers* : The Cortes takes cognizance of Laws and Budget, Finance, Taxes, Agricultural, Commercial, Industrial, and Nationality Rights, and any other law which the Government desires to submit.

*(Continued on page 55)*

## Belgium.

*Second Chamber* : The Senate.

*Size* : 167.

*Term* : 4 years.

*Composition* : Senators are elected partly directly, and partly indirectly. The number elected directly is equal to half the number of members of the Chamber of Representatives i.e. (101). The Provincial Councils elect indirectly, one Senator for every 200,000 inhabitants. Every addition of 125,000 inhabitants gives the right to have one Senator more. Every provincial council elects at least 2 Senators each

The third category of Senators are elected by the Senate itself in the proportion of half the preceeding category i.e 22.

(All Senators must be of at least 40 years of age. They receive 144,000 francs per annum).

Sons of the King of Belgium, or Belgian Princes of the Royal families, are by right Senators at the age of 18, but have no voice in its deliberations till they are 25.

*Powers* : Equal powers with the Chamber of Representatives.

The King has the power of convening an extraordinary session of the two Chambers and of dissolving them.

## Spain.

(Continued from page 54)

The Cortes in full or the Committee shall be heard for ratification of Treaties on matters within its competence. Individual members do not initiate legislation. Nor can any law go into effect without the approval of the Chief of State who can reject the draft laws sent to him forthright, or send it back to the Cortes for new study.



## Turkey.

*Parliament :*

Grand National Assembly (Unicameral system).

*Size :* 645.

*Term :* 4 years, unless dissolved earlier.

*Composition :* Deputies must be of 30 years of age.

*Powers :* Sovereign Law making body : elects the President of the Republic.

Exercises control over the Governments.

Can dissolve at any time.

## Egypt.

*Second Chamber :* The Senate.

*Size :* 147.

*Term :* 10 years.

*Composition :* Of the total, two-fifths are appointed by the King, and the remaining 3/5th are elected in both the cases for ten years. Half of the Senate is renewed every five years.

Members must be at least 40 years of age.

*Powers :* Shares equal powers with the lower House regarding initiating of measures.

## Germany.

There is a Control Legislature for the whole of Germany. The Governments of U.S A. and of Great Britain have through a Charter, unified economic, financial and legal administration in the combined Anglo-American zone. The Charter provides for an Economic Council of 104 members—an upper House of two members from each of the 8 states. The House has the right to veto, to be exercised within eight days.

## SECTION IV.

The growth of democratic ideas in the last fifty years or so, has shifted the centre of gravity of the legislative power from the Second Chamber to the Lower Chamber in almost every country which has a bicameral system.

This is indicated by the fact that the control over Finance is more or less the exclusive concern of the Lower Chamber ; the Second Chamber at best, having powers only to offer suggestions ; the last word resting always with the first.

A Second Chamber exercising more authority in the legislative field is now the exception to the general rule.

In this section we deal with the composition, strength and the powers of the Lower Chambers. Certain points of details regarding the immunity and privileges of members of the Parliaments, their salaries, etc. are not mentioned. The general principle on which they are based, now universally accepted, are the same, with only a slight variation.

Likewise we have not attempted to discuss or mention the internal organization of each House, viz Presiding officers, their powers and duties and procedure regarding Law making ; Legislative committees, control of time and numerous conventions which have grown up inevitably in every country. The general model pattern is that of the British Parliament—the oldest legislative body in the world. And every country has borrowed with or without modifications the rules of procedure adopted by it.

## **Ireland.**

*Lower Chamber* : House of Representatives ; ( Dail Irean ).

*Size* : 147.

*Term* : 5 years.

*Composition* : Number of seats are on the basis of 1 to every 30,000 voters ; elected by adult universal suffrage. 3 seats are reserved for the Universities.

*Powers* : Money Bills the appropriation of which is previously recommended by the President, are reserved for the Lower House.

Questions of disputes between the two Houses are referred to a Committee of privileges consisting of 3 members each from both Houses. The Executive is responsible to it for its acts and policies. The President, on the advice of the Prime-Minister can summon and dissolve it.

Elects its own Speaker who can be re-elected.

## **Switzerland.**

*Lower Chamber* : National Council.

*Size* : 194.

*Term* : 4 years.

*Composition* : The members are chosen by direct election ; one Deputy for 20,000 inhabitants with a minimum of one representative for every Canton or half of Canton. Every adult citizen, who is not a clergyman is entitled to seek election.

*Powers* : It has equal powers with the Second Chamber. Together they constitute the Federal Assembly and as such represent the Supreme Government of the Republic.

## South Africa.

*Lower Chamber* : House of Assembly.

*Size* : 153.

*Term* : 5 years.

*Composition* : Distribution of seats in electoral divisions are as follows ;

Cape of Good Hope 53, Natal 16; Transval 64, Orange Free State 14. Each electoral district in each province returns one member, who must be a European subject, qualified as a registered voter, and resident of the Union for 5 years. Under the Representation of Natives Act 1936, they are entitled to elect 3 members and they hold their seats for 5 years, notwithstanding an earlier dissolution of the House. Members must not hold an office of profit under the crown.

*Powers* : All Money Bills must originate in the House though it may not pass an appropriation taxation measure unless recommended by a message from the Governor-General. Provision is made regarding disagreement between the Houses when joint sittings are held, at which the Speaker of the Senate presides.

## Czecho-slovakia.

*Lower Chamber* : Chamber of Deputies.

*Size* : 300.

*Term* : 6 years.

*Composition* : Elected by direct vote of the people on the basis of universal adult suffrage. Every candidate must be 30 years of age.

*Powers* : It enjoys equal powers with the Second Chamber; the final decision on all Bills rests with the Chamber of Deputies. The National Assembly (the two Houses) is convoked by the President, or at the request of 2/5th members.

## Australia.

*Lower Chamber* : House of Representatives.

*Size* : 75.

*Term* : 3 years.

*Composition* : Consists of thrice as many members as there are Senators, the number, chosen in each state is in proportion to the population, excluding aborigines, but not less than 5 for any state. The northern territory elects a member who is not entitled to vote, but takes part in the debate. The House continues for three years unless sooner dissolved.

Every member must be a natural born subject of the King or have been naturalized for 5 years, must possess electoral qualifications. Franchise is based on universal adult suffrage.

*Powers* : The Federal Parliament's powers are specifically enumerated. Residuary powers are with state parliaments. If a state law is inconsistent with a Commonwealth Law, the latter will prevail. Money Bills, as a general rule, originate in the lower House; they have equal powers with regard to ordinary measures.

In case of disagreement, joint sittings of the Senate and the House, of Representatives are convened. Both the House are dissolved, and new election ordered, if they fail to resolve their differences.

## New Zealand.

*Lower Chamber* : House of Representatives.

*Size* : 80.

*Term* : 3 years.

*Composition* : Of the 80, 4 seats are reserved for the Maoris; all are elected by the people, on universal adult suffrage basis. Every registered voter is eligible to stand as a candidate.

*Powers* : The House of Representatives is the sole master in the law-making; it has power to amend the constitution. Its internal procedure is similar to that prevailing in France.

## **France.**

*Lower Chamber :* National Assembly.

*Size :* 618.

*Term :* 5 years.

*Composition :* The law concerning the election of the members of the National Assembly was passed in October 1946. It provided for the election of candidates from party lists at a single ballot, with proportional representation by equal, direct and secret universal suffrage.

*Powers :* The National Assembly has the final decision on all proposals and projects of Law. Besides, any revision of the constitution must be sanctioned by 2/3rds majority of the National Assembly, or 3/5th majority of both the Chambers.

It controls the Cabinet ; can force a resignation by a simple vote of no confidence. It is subject to dissolution before the expiry of its term.

## **Japan.**

*Lower Chamber :* House of Representatives.

*Size :* 466.

*Term ;* 4 years.

*Composition :* Elected by direct universal adult suffrage, from territorial constituencies returning single members.

*Powers :* Along with the new House of Councillors it is the sole law-making authority. Ultimate powers reside with the lower Chamber.

It can force the resignation of the Cabinet by a vote of no confidence and it exercises a general control over the Government.

## Canada.

*Lower Chamber* : House of Commons.

*Size* · 245.

*Term* : 5 years.

*Composition* : The size of the House, is determined with reference to the fixed quota of members from the province of Quebec (65). Other provinces are represented proportionately according to their population—an ingenious safeguard against a repeated increase of the House. A new representation act was passed in July 1947 providing for a readjustment of seats at the next election.

*Powers* : It is the real pivot of legislative power. It controls all the financial measures which must originate in the lower House. As a matter of fact, most other measures also originate here. It elects its own Speaker who unlike the Speaker of the House of Commons in England cannot be re-elected.

## Turkey.

The Parliament in Turkey is a unicameral legislative body; (See note on Grand National Assembly—page 56). There are two major political parties. The Republican People's party is the principal party whose activity determined the politics of the country ever since its emergence. In September 1937, the Grand National Assembly accepted the principles of the party; which virtually made the State, a mono-party state. Before the election of July 1946, authority was given for the formation of other political parties. Only one has drawn any vigour so far i.e. the Democrat Party.

## Polish Republic.

*Lower Chamber* : Diet.

*Size* : 444.

*Term* : 5 years.

*Composition* : Members are elected directly by universal equal suffrage. State officials of financial, administrative, judicial (not central) can not be elected to the areas where they serve. When elected they should be granted leave with privileges.

*Powers* : Supreme legislative powers are exercised by it. It controls the Government, compels its resignation in case it disapproves of its acts and policy.

Also, it settles election disputes, grants amnesty and controls the army.

## Germany.

The lack of *Pro tem* administration of Germany by the four allied powers ( See page 56 ) has also affected the uniform growth of political parties. They are authorised formally, but on a zonal basis only. But inspite of zonal barriers and the unevenness of zonal political developments four main parties have emerged in practically all the Zones. Though they have separate technical organization in the various zones, yet they have by close contact developed a certain degree of national leadership ; and it can be safely assumed, that if and when the administration is centralized the politics of Germany will be reflected through these four groups. They are :

- (1) Liberal Democratic Party.
- (2) Christian Democratic Union.
- (3) Social Democratic Party.
- (4) Communist Party.



## United States of America.

*Lower Chamber* : House of Representatives.

*Size* : 435.

*Term* : 2 years.

*Composition* : Members are chosen directly by people, who according to the laws of their respective states are qualified to vote for members of the state legislatures in the state from which they are elected.

Candidates must be 25 years of age. Resident for 7 years and must not be holding any office of profit under the Government.

The number of each state's representatives is determined by decennial census on the basis of population. Every State must have one representative even if it falls short of the electoral quota. The House also admits "delegates" from each of the two organized territories, Alaska and Hawaii, and a "Resident Commissioner" from Porto Rico, each of whom has the right to speak, but not to vote.

*Powers* : It has co-equal powers with the Senate except with regard to Money Bills, which must originate in it. It is severely handicapped as a legislative body for several reasons, especially due to the shortness of time, volume of legislation and lack of experience of the members. It, on the whole, wields less influence than the Senate.

## Mexico.

*Lower Chamber.* Chamber of Deputies.

*Size :* 147.

*Term :* 3 years.

*Composition :* Members elected by universal suffrage at the rate of 1 member for every 150,000 inhabitants. They are ineligible for re-election, until another term has elapsed.

The right of suffrage is vested only in male citizens.

In July 1938 the Congress passed a constitutional amendment giving equal voting rights to women. Only 2 out of 28 states have ratified it so far.

*Powers :* Bills dealing with loans and taxes must originate in the Lower house

Ordinary legislation may be initiated by the President in either Chamber or through State Legislatures.

President's Veto :—(i) Bills not returned by President within 10 days are deemed to be passed. (ii) If President objects he returns it to the House of origin which must confirm by 2/3 majority in which case it is referred to other House for reconsideration. If approved by it also by 2/3 majority then it is deemed as passed.

Veto by Senate: A bill totally rejected by the Senate must be re-examined with its observations and if approved goes to President for approval.

The Congress sits from September 1, to December 31st. During recess there is a permanent Committee consisting of 14 Senators and 15 Deputies appointed by the respective Houses.

## Great Britain.

*Lower Chamber :* The House of Commons.

*Size :* 640.

*Term :* 5 years.

*Composition :* The members are elected on geographical basis, from 625 single member constituencies which are in all cases County and Boroughs, which vary in size and population and the number of eligible voters. There is no law requiring periodic redistribution as in U.S.A.

Members are elected by adult universal suffrage. Every citizen of 21 years or above is eligible for membership. Prospective candidates have to file nomination papers with a security fee of £ 150, which is forfeited if he secures less than 1/8th of the total votes cast in the constituency.

Besides disqualifications obtaining in the case of voters, persons belonging to the church, or holding a commission in public service or an office of profit under the Crown, are entitled to stand for election. Once elected, no member can resign his seat. He has to apply to the Crown for the stewardship of the Chiltern Hundred or the Duchy of Lancaster, and thus get disqualified. This is a mere formality.

Members of the House of Commons receive a salary of £ 6000 and travelling allowances and certain privileges to enable them to maintain dignity and carry out their duties effectively.

The newly elected Parliament is summoned by the Crown: the two Houses meet simultaneously. Sessions usually begin in November and continue till Christmas, and then again from January to July.

Once in session the Parliament may be adjourned, prorogued and dissolved as under :

(a) Adjournment is brought about by either House on its own initiative; they need not adjourn together.

(b) Prorogue: The Crown alone can prorogue the House. A prorogation both ends the session and terminates all unfinished business.

(c) Dissolution: The Crown initiates this acting on the advice of the Prime-Minister. It ends a Parliament.

*(Continued on page 69)*

## Denmark.

*Lower Chamber :* Folketing ( House of Commons ).

*Size :* 149.

*Term :* 4 years.

*Composition :* All men and women of Danish nationality of more than 25 years of age, permanent residents of Denmark, enjoy franchise, and are eligible for election to the Folketing. 117 of the 149 members are elected by the method of proportional representation, in 23 electoral districts, and in order to attain equal representation of different parties the remaining seats are divided among such parties which have not obtained a sufficient returns at the district elections. One seat is reserved for Foroe Islands.

*Powers :* The same as the other House of the Rigsdag ( Landsting ).

Joint sittings, of the two Chambers are convened in which case half the members of each Chamber must attend

## Great Britain.

*(Continued from page 68)*

*Powers :* The House of Commons is without a doubt the real repository of all legislative authority today. The sovereignty of the Parliament, actually means the sovereignty of the House of Commons.

It controls the Government and it controls finance and exercises, in general, a dominating influence on legislation.

( N.B. For the internal organization of the House of Commons, see appendix ).

## Norway.

*Lower Chamber* : Odelsting.

*Size* : Three-fourths of the members of the Storting (150).

*Voting qualification* : 23 years—5 years residence.

*Term* : 4 years.

*Composition* : The Storting (Parliament) when assembled divides itself by election into two sections: the Odelsting constitutes the larger of two sections, and consists of 3/4th of the total numbers.

Every Norwegian subject of 25 years age is entitled to elect unless he is disqualified for a special cause. Women since 1913 are entitled to vote under the same conditions. The members are elected directly on the principle of Proportional Representation. The country is divided into districts, each electing 3 to 8 representatives. Candidates must be at least 30 years of age, and resident in the country for 10 years, and also a voter. The same majority is required for altering the Constitution. The Storting elects 5 delegates, whose duty is to revise public accounts.

It remains assembled as long as it is necessary.

*Powers* : All laws are considered by each section separately. New measures are initiated by the Lower Chamber. If the two Chambers do not agree, the two sections assemble in common sitting to deliberate but final decision must be by 2/3rd majority.

## Egypt.

*Lower Chamber* : Chamber of Deputies.

*Size* : 264.

*Composition* : Members must be of at least 30 years of age. The vote is based on universal male suffrage. Members of the armed forces have no right to vote.

*Powers* : Shares equal powers with the Second Chamber i.e. the Senate.

## **Burma.**

*Lower Chamber* : The Chamber of Deputies.

*Size* : 280.

*Term* : 4 years.

*Composition* : The members are directly elected by adult universal suffrage and hold office for a period of 4 years unless the House is sooner dissolved by the President.

*Powers* : Similar to that of the Upper Chamber, except in regard to Money Bills, and a more direct control over the Government.

## **Spain.**

The superior organ of Law making in Spain, the Cortes, is a unicameral legislature. (See page 54 )

## **Russia.**

*Lower Chamber* : Council of Nationalities.

*Size* : 713.

*Term* : 4 years.

*Composition* : Each of the constituent Republics has 25 representatives, and each autonomous Republic 11, and each autonomous region 15, and one from each national area. Regional members are elected by adult universal suffrage.

*Powers* : Enjoys equal legislative powers with the Council of the Union.

## Ceylon.

*Second Chamber* : Senate.

*Size* : 30.

*Term* : 5 years.

*Composition* : The members of the Senate are partly elected and partly nominated. Half of them are elected by the Parliament, i.e. the lower House, and other half are nominated by the Governor. All Senators must be 40 years of age, enjoying full Political and Civil Rights.

*Powers* : The purpose of the House is to delay by one year Bills passed by the Parliament : it does not have the power to reject them. The House is mainly intended to be a revisory body.

*Lower Chamber* : Parliament.

*Size* : 101.

*Term* : 5 years.

*Composition* : Out of the total number 6 are nominated by the Governor : the remaining 95 are elected on geographical basis. There are 85 single member constituencies, and the rest of the members are elected from multi-member constituencies, e.g. Colombo has 3 seats.

*Powers* : The Parliament is the sole repository of the Legislative power; exercising complete control over the Government and the finances.

## China.

### *National Assembly* :

According to the new Constitution of the Chinese Republic, which became effective on the 25th of December 1947, there is a National Assembly. The National Assembly is the supreme organ of the people. Its members are elected mainly on the basis of territorial and professional representation. They serve for a term of 6 years and are subject to recall.

The Assembly elects the President and the vice-President of the Republic and is empowered to recall them. It also has the power to amend the Constitution.

The Legislature is a unicameral body.

( See page 51 )

## SECTION V.

Administration of justice is the prime concern of every modern State. The role of the judicial branch of the Government cannot be under-estimated. The principle of the independence of the judiciary is now universally acknowledged as vital to the success of a democratic government.

This section only gives a very bare outline of the structure of the Judiciary in countries dealt with in this book. Details regarding their working would require many volumes.



## **Ireland.**

### *Judiciary :*

Judicial organization of Ireland is according to the Courts of Justice Act 1924, amended several times. The more important one being the Amending Act of 1936, and the latest, of 1947.

It consists of

- (i) Supreme Court.
- (ii) High Court.
- (iii) Court of Criminal Appeal.
- (iv) Central Criminal Court.
- (v) Circuit Court and District Court.

*The Supreme Court :* Consists of the Chief Justice, and 4 other judges and has appellate jurisdiction from all decisions of the High Court.

*The High Court :* Consists of a President and 5 ordinary judges and has full original jurisdiction in all matters of civil and criminal law; also touching the validity of any law as regards to the provisions of the Constitution.

*The Court of Criminal Appeal :* Consists of the Chief Justice and some other judges of the Supreme Court and 2 ordinary judges of the High Court. The decisions of this court are final, unless the Attorney General certifies that point of law is of exceptional public import; then the appeal can be taken to the Supreme Court.

The Central Criminal Court consists of a Judge of the High Court who tries cases which are declared by the President to be outside the jurisdiction of the Circuit Court.

Ireland is divided into 9 circuits for the puposes of the Circuit Court, each with a judge. The District Courts consist of 40 judges appointed by the President.

## Australia.

### *Judiciary :*

The judicial power of the Australian Commonwealth is vested in a federal Supreme Court.

(i) High Court of Australia, consisting of a Chief Justice and 6 justices appointed by the Governor-General-in-Council. The High Court has original jurisdiction in regard to the following matters : Treaties between states, or affecting representatives of other countries ; and these empowered by the Parliament. It also hears appeals from judgments of the Provincial Supreme Courts.

(ii) The Commonwealth Court of Conciliation and arbitration consists of Chief Judge and 3 other judges and 15 Conciliation Commissions.

(iii) Federal Court of Bankruptcy is presided over by a Judge.

(iv) State Courts of Australia are semi-administrative and semi-Judicial bodies investigating interstate communications. State judges are appointed for life and are removable only by a resolution of both the state legislatures.

## Canada.

### *Judiciary :*

There is a Supreme Court at Ottawa, having appellate Civil and Criminal jurisdiction. Further appeal may be allowed to the Privy Council by its permission.

(ii) *Exchequer Court*, which is also a Court of admiralty.

(iii) *Superior Courts*, in each province and county; judges of these Courts are appointed by the Governor-General.

The numerous Police Magistrates and Justices of Peace are appointed by the Provincial Governors.

## **Norway.**

### ***Judiciary :***

It consists of

(i) The Supreme Court which is composed of a President and 17 judges; in each case the courts consist of 5 judges. It is the final court of appeal for both civil and criminal cases.

(ii) The Court of Second Instance is presided over by a judge together with two other judges.

Lay assessors upto 4 are elected to participate in the civil cases. In criminal cases the lay assessors consist of men who form the Jury.

The country is divided into 5 Districts for the purpose of the courts of Second Instance; where courts are held at specific times.

This is a Court of appeal for both civil and criminal cases.

(iii) The ordinary Court of First Instance presided over by a judge; and assisted by 2 lay assessors, chosen by ballot.

In criminal cases its competence is limited to matters where the punishment of imprisonment is 5 years. There are 101 such courts.

(iv) Courts of mediation, for each country consisting of 3 men, elected by the District Council. All civil cases are brought before this court.

## **Czecho-slovakia.**

### ***Judiciary :***

It consists of

(i) Constitutional Court of 7 judges.

(ii) High Court of Administration.

(iii) Courts of Justice.

## Belgium.

### *Judiciary :*

It consists of

(i) The Court of Cassation—whose judges are appointed by the King from 2 lists—one presented by the Court itself and the Second by Senate.

(ii) 3 Courts of Appeal whose members are appointed by the King from 2 lists—one given by the courts themselves and the other by provincial councils.

(iii) 26 Courts of First Instance—judges are appointed by the King. But the Presidents and Vice-Presidents are appointed from 2 lists—one given by the courts and the other by the provincial council.

(iv) 230-Cantons, each has a justice and judge of the peace.

(v) Various Special Tribunals ;

Assize Courts for political and criminal cases.

Military Courts and Courts of Commerce.

*General Remarks :* All judges are appointed for life, and are not dismissed without trial. Sittings of the court are public unless a declaration is made for privacy on grounds of public morality.

Trial by jury is compulsory in political and Press cases.

Judges are appointed from the double lists. President and Vice-President are chosen by courts from judges.

## Austria.

### *Judiciary :*

It consists of

(i) The Supreme Court of Justice—the highest court in the land.

(ii) 3 Provincial High Courts.

(iii) 19 Provincial and Districts Courts.

(iv) 234 Local Courts.

## **China.**

### *Judiciary :*

The highest judicial authority of the land, the Judicial Yuan, was established in 1928.

The Yuan is composed of :

- (i) The Supreme Court.
- (ii) Administrative Court.
- (iii) Commission of the Disciplinary Parliament of officials.

The ministry of justice under the Executive Yuan has charge over all matters relating to the administration of Justice.

All the three Codes—Civil, Criminal and Commercial—have been recently drawn up and revised by the Law Codification Commission.

## **Ceylon.**

### *Judiciary :*

It consists of

(i) The Supreme Court, exercising original and appellate jurisdiction in civil and criminal matters.

(ii) Court of Criminal Appeal exercising appellate jurisdiction in cases tried by the Supreme Court in its original criminal jurisdiction.

(iii) Courts of Request.

(iv) District and Magistrates' Courts.

Both administer justice on the Civil side.

(v) Rural Courts exercise criminal and civil jurisdiction in rural areas of petty crimes and civil disputes.

## **Sweden.**

### *Judiciary :*

The administration of justice is under the control of the Chamber of Justice and the Attorney-General. The Chamber of justice is appointed by the King, who is also the Counsel for the Crown.

The Attorney-General is appointed by the Parliament; his supervision extends over all the Courts of Law.

A separate officer exercises control over Military Law.

There is the Supreme Court of Judicature in the country. Besides, there are :

(i) 4 High Court Districts.

(ii) 179 District Courts Division—of which 64 are urban Districts and 115 Country districts.

## **Polish Republic.**

### *Judiciary :*

The system of Courts in Poland consists of the following :

(i) Supreme National Tribunal.

(ii) Supreme Court.

(iii) 9 Courts of Appeal.

(iv) 8 Special Criminal Courts.

(v) 58 Circuits Courts.

(vi) 438 City Courts.

(vii) 8 Labour Courts.

Besides, there are 3,000 Local Citizens Courts.

## Japan.

### *Judiciary.*

The whole judicial system is being revised, under General Macarthur's administration, on the basis of modern jurisprudence. Formerly, there were 4 classes of Courts in Japan:

- (a) Sub-District Courts.
- (b) District Courts.
- (c) Courts of Appeal.
- (d) Courts of Cassation.
- (e) Court dealing with disputes respecting administrative affairs.

## Italy.

### *Judiciary :*

It consists of

- (i) Court of Cassation. It is the final Court of Appeal in a *pyramid of courts* as given below :
- (ii) 20 District Appeal Courts.
- (iii) 146 Tribunal Districts.
- (iv) 989 Mendament, each with its own magistracy.

*General Remarks:* Judges are appointed by the crown on recommendation of ministers. They are generally promoted but they must possess legal qualifications. They are transferred from one place to another and may be removed.

## **Denmark.**

### *Judiciary :*

It consists of

(i) 94 Tribunals presided over by single judges dealing with petty cases.

(ii) Courts of appeal or Superior Courts—

Two such courts

(a) Ostre Landsret at Copenhagen, with 23 judges.

(b) Vestre Landsret in Viborg with 13 judges.

These have both original and appellate jurisdiction.

(iii) Supreme Court is composed of 14 judges.

Court of Impeachment consists of the members of the Supreme Court plus an equal number of members of the Upper House.

## **Mexico.**

### *Judiciary :*

It consists of

(i) The Supreme Court with 21 judges.

(ii) 6 Circuit Courts with 6 judges.

(iii) District Courts with 46 judges.

N.B. The Penal Code of January 1930, abolished death penalty except for the army.



## France.

### *Judiciary :*

The judicial system of France is based on Code Napoleon. It is unique in so far as it provides for two sets of Courts administering two different systems of Law.

- (a) The Ordinary Courts.
- (b) Administrative Courts.

The former applying law involving private citizens and the latter applying what is called administrative law regulating the relations between public officials and private citizens.

#### A. *The Ordinary Courts* consist of

(i) The Canton Courts—Courts of lowest jurisdiction, one in each Canton, presided over by Justice of Peace who try petty civil cases.

(ii) Courts of Arrondissement—They consist of one president and two judges. They deal with more important civil cases and also serve as a tribunal of appeal from the decisions of the Cantonal Courts.

#### (iii) Courts of Appeal—

Their jurisdiction extends over one judicial province, consisting of one to seven Departments. There are three sections in each court : Civil, Criminal and Indictment Chamber; presided over by 5 judges each. Appeal on the question of law only can be taken to the Court of Cassation.

(iv) The Court of Assizes are composed of one President and two magistrates themselves members of the Courts of Appeal, and a Jury of 12 men. There is one such court in each Department and is called to try very important criminal cases.

(v) The Court of Cassation is the highest Court. It consists of 49 judges, and is divided into three sections : the Civil, the Criminal and the Chamber of Requests. It has the power to annul any judgment of the lower Courts.

#### B. *The Administrative Courts* consist of

(i) Prefectural Council : There is one such council in each Department; and it decides suits against public officials sued by private citizens.

( *Continued on page 87* )

## United States of America.

### *Judiciary :*

The American system of Courts consists of

(i) The United States District Courts : There are 85 in the country, and constitute the lowest of the Federal Courts. Besides the civil cases, they try all criminal cases arising under the Federal laws, including capital offences.

(ii) Federal Circuit Courts : The country is divided into 10 circuits each with a Circuit Court of Appeal, to each of which a Chief Justice or an Associate judge is assigned. It hears appeals against the decisions of the inferior courts.

(iii) The Court of Claims has one presiding judge and 4 associate judges.

(iv) The United States Custom Courts.

(v) The Court of Custom and Patent appeals.

(vi) Tax Court of the United States.

The five above-mentioned Courts are "Legislative" Courts—created by the acts of Congress, having jurisdiction over cases indicated by their titles.

(vii) The Supreme Court of the U. S. A., is the highest Judicial Court in the U.S.A. It consists of a Chief Justice and eight judges, who are appointed by the President, with the consent of the Senate. It has both original and appellate jurisdiction over civil and criminal cases.

The chief function of this court is to act as the guardian of the Constitution. It has the power of declaring acts of the Congress, as null and void.

## France.

( *Continued from page 86* )

(ii) The Council of State : It is the highest administrative court; and consists of 35 Councillors appointed by the President of the Republic. It has original as well as appellate jurisdiction.

C. In the event of a dispute between these two sets of Courts regarding questions of respective jurisdiction, they are referred to a Court of Conflicts, which consists of the minister of justice and 5 members chosen by the Court of Cassation and Council of State.

## Great Britain.

### *Judiciary :*

The organization of the British Judicial System unlike that in U.S.A., is based on a verticle division between criminal and civil cases. Same courts do not exercise jurisdiction in both fields.

#### A. *The Criminal Courts* consist of :

- (i) Courts of Justices of the Peace.
- (ii) Courts of Magistrates (Stipendary).
- (iii) Courts of Petty Sessions—consisting of two Justices of Peace, assisted by the Jury.

All minor cases of crime are dealt with by these courts. Justices of Peace are appointed by the Lord Chancellor for life; whereas the Stipendary Magistrates in urban districts and large boroughs are appointed by the Home Secretary.

(iv) Courts of Quarter Sessions consist of all the justices in the Country. Appeals from the lower courts are heard by this court.

It also has original jurisdiction in cases which fall between the competence of the Justice of Peace and the Assizes.

(v) Courts of Assizes : They are the Courts periodically held by the judges of the King's Bench Division of the High Court in the country towns and provincial centres. They deal with offences like perjury, libel, forgery and capital cases. The trial is assisted by a Grand Jury of Twelve.

In the metropolitan area of London there is a Central Criminal Court, which sits 12 times in a year.

(vi) The Court of Criminal appeal, was established in 1907, and consists of the Lord Chief Justice and judges of the King's Bench Division. It hears appeals on points of law : in criminal cases from the Court of Assize.

(vii) King's Bench Division of High Court, is presided over by the Lord Chief Justice and 15 puisne judges. It hears appeals from Courts of Quarter Sessions.

Finally, if the Attorney-General gives consent, an appeal may be made against the decisions of these courts to the House of Lords. Ordinarily this is discouraged.

#### B. *The Civil Courts* consist of

- (i) County Courts examine civil cases not involving large amounts of money.

*(Continued on page 89)*

## Great Britain.

(Continued from page 88)

There are 500 such district courts, divided into 54 circuits each with one or two judges appointed by the Lord Chancellor. They hold court at frequent intervals in various parts of the district over which they have jurisdiction.

(ii) The Highest Court of Justice, is organized in three divisions.

(a) The Court of Chancery.

(b) The King's Bench Division.

(c) Probate, Divorce and Admiralty Division.

The first consists of the Lord Chancellor and six puisne judges : the third of a President and two judges.

The chancery division hears appeals from the County Courts in cases involving Equity etc.

(iii) The Court of Appeal is the upper and the other section of the Supreme Court of judicature of England : the lower being the High Court of Justice.

It consists of the Lord Chancellor, the master of the Rolls, Lord justices of appeal, and Presidents of the three divisions of the High Court.

It has appellate jurisdiction in all civil cases.

### C. *The House of Lords as a Judicial Court.*

Is the highest Court in all civil and criminal cases : but it only hears and determines technical points of Law while the judgment is always given on behalf of the House of Lords. It is only the Law Chancellor and six law lords, ( holding peerage for life ), who actually hear and give the judgment. The law lords are always men of high judicial distinction.

### D. *Judicial Committee of the Privy Council.*

Is the ultimate Court of Appeal in cases which come from the Courts of the British Dominions and Colonies as well as from the Ecclesiastical Courts in England. It consists of the Lord Chancellor, Lords of Appeal in ordinary and one judge of the outlying dominions. It is not a court in the usual sense of the term hence it does not render judgment, but makes recommendations to the Crown as to its decision regarding the point of law in dispute. This recommendation amounts to a judgment since it is always adopted.

## **Russia.**

### *Judiciary :*

There are three grades of Courts in the U.S.S.R.

(i) The Peoples' Court : There are such courts in every district. Its personnel consists of the Peoples' judge who is elected by the people and 2 assessors or citizens' judges. Their function is to examine at the first instance most of the civil and criminal cases, except for the more important ones.

(ii) The Regional Courts : The judges of these courts are elected by the Soviets of the region, for 5 years. They serve as Courts of Appeal from the peoples' Courts and also have original jurisdiction, in trying cases against the Government.

(iii) Supreme Courts of the Several republics consists of judges who are chosen for 5 years by the Supreme council of the Republics. They hear appeals from the Regional Courts, and have original jurisdiction over cases of exceptional importance.

(iv) The Supreme Court of the Soviet Union : It consists of more than 30 judges and sits in three sections : Criminal, Civil and Military. The Court also deals with conflicts between the Republics and tries accused members of the Union Government. It renders advisory opinion on the Constitutionality of Laws; but it has no power to declare a Union law unconstitutional.

N.B. Outside the range of the regular judiciary, in the U.S.S.R. there are various special Courts such as the Juvenile Courts, Land Courts, Courts of Arbitration and Military Courts.

## SECTION VI.

The function of the Modern State is to promote conditions under which the individual can be most free. Rights are those conditions of social life, observes Professor Laski, without which no man can seek to be himself at his best. The business of every democratic Government is to guarantee and safeguard the enjoyment of these rights, to its citizen and thus enable him to develop his personality. In fact, every State is ultimately, to be judged by the rights it maintains: the larger the scope of these rights, the more democratic the character.

The recognition of the Rights of man and of the citizen, simultaneously in France and U.S.A. towards the end of the 18th century heralded a new era in the history of mankind; it marked the inauguration of the Modern Age.

The adoption of the Universal Declaration of Human Rights by the General Assembly of the U.N.O. at its Paris Session held in December 1948, is yet another milestone in the onward march of Democratic World.

In this section, we briefly deal with the fundamental rights: civil, political, economic, social, cultural and religious as guaranteed in the Constitutions of the countries taken up in this book.

## **Ireland.**

### *Fundamental Rights :*

Constitutionally guaranteed.

#### *A. Civil Rights :*

Sec. 9—(i) (a) Persons who were citizens before the coming into operation of the Constitution, shall be citizens of Ireland.

(b) No person may be excluded from Irish nationality and citizenship by reason of the sex of such person.

Sec. 38—(1) No person shall be tried on any criminal charge save by the due process of law.

Sec. 40—(3) (i) The State guarantees to respect and by its laws defend and vindicate the personal rights of the citizen.

(ii) The State will protect by its law the life, person, goodname, and property rights of every citizen.

(iii) No person shall be deprived of his personal liberty save in accordance with law.

(iv) The dwelling of every citizen is inviolable and shall not be forcibly entered save in accordance with law.

(b) The State guarantees liberty for the exercise of following rights, subject to public order and morality.

(i) Right of citizens to freedom of speech and of conscience.

(ii) Right of freedom of peaceful assembly to form association and Trade Unions.

(c) All citizens shall, as human persons, be held equal before the law.

#### *B. Political Rights :*

Sec. 40—(6) Laws regulating the manner in which the right of forming associations and unions and the right of Free Assembly are to be exercised, shall contain no political or other discrimination.

( Continued on page 93 )

## **Ireland.**

( *Continued from page 92* )

( Basic Political Rights—i.e. Right to Vote and to stand for Public office are implied in the Constitution, which is a Republican ).

### *C. Economic Rights :*

Sec. 43—(i) The State acknowledges that man, in virtue of his being a rational being, has the natural Right, antecedent to positive law, to the private ownership of external goods.

(ii) The State also guarantees to pass no law, attempting to abolish the right of private ownership, or the general right to transfer, bequeath and inherit property.

### *D. Social and Cultural Rights :*

Sec. 44—(ii) Freedom of conscience and the free profession and practice of Religion, are subject to public order and morality guaranteed to every citizen.

(iii) The State shall not impose any disabilities or make any discrimination on grounds of religious profession, belief or status.

(iv) Every religious denomination shall have the right to manage its own affairs.

Sec. 42—(3) The State shall not oblige parents in violation of their conscience to send their children to schools established by the State.

(4) The State shall provide for free primary education.

### *E. Duties of Citizenship :*

Sec. 9—(2) Fidelity to the Nation and loyalty to the State are the fundamental political duties of all citizens.



## Turkey.

### *Fundamental Rights :*

Guaranteed by the constitutional law of the Turkish Republic of April 20, 1924.

Art. 88. The people of Turkey regardless of religion and race are Turks as regards citizenship.

Art. 68. Every Turk is born free, and free he lives.

69. All Turks are equal before the laws, and are expected conscientiously to abide with them. Every type of group, class, family, and individual privilege is abolished and prohibited.

70. Personal immunity, freedom of conscience, of thought, of speech, of press, the right to travel, to make, to own and dispose property, to meet and associate and to incorporate, form part of rights and liberties of the Turkish citizen.

71. The life, property honour and residence of each individual are inviolable.

72. The individual shall not be arrested or seized under any other circumstance or manner, than that provided by law.

75. No one may be censured for the philosophical creed, religion or doctrine, to which he may adhere.

77. The press shall enjoy freedom within the framework of the law and shall not be subject to any censorship or control prior to publication.

78. Travel is subject to no restriction whatsoever, except in cases of general mobilization, martial law, or necessitated by epidemics.

80. Instructions of any kind are free within the limits laid down by law.

74. No person may be deprived of his possession and property or have them expropriated, unless it is formally established that it is required for public benefit, and that on cash indemnity.

84. Taxes may be levied and collected only by virtue of a law.

87. Primary education is compulsory for all Turks, and is free in Public Schools.

## **NewZealand.**

### *Fundamental Rights :*

The laws of England as existed on 14 January 1840, are applicable to the circumstances of NewZealand. Much of the law relating to fundamental Rights is to be found in the Statute law of England, as it stood in 1840, and the statute law of NewZealand, and the common law. As in England, rights of individual have grown up through long established principles applied in the Courts of justice.

NewZealand law guarantees.

- A. Freedom of Speech.
- B. Freedom of assembly.
- C. Freedom from arbitrary arrest.
- D. Right to vote.

*N. B.* NewZealand is a very progressive democratic State. It has anticipated the move of older democratic countries in making provision for social security. A Social Security Act was passed in 1938, and came into force in 1939. Principal objectives of this legislation were :

- (i) To establish a system of monetary benefits, on a contributory basis for old age, widow's pension etc.
- (ii) To inaugurate a system of medical and hospital benefits, and of other related benefits.

## **South Africa.**

### *Fundamental Rights :*

The Union of South Africa is one of those countries which has no Bill of Rights. Like Newzealand and Canada the basic Civil and Political rights of the citizens are guaranteed through numerous statutes passed by the Union Parliament. Detailed information regarding this is not available.

## Canada.

### *Fundamental Rights :*

“The preamble of the British North America Act, declares that Canada is to have a constitution “Similar in Principle” to that of Great Britain. There is no Bill of Rights, in the form of an express declaration guaranteeing personal civil liberties, and no specific definition of social and Economic rights, such as is contained in most of the modern constitutions. The protection of individual civil liberties, is left in Canada as in England, to the ordinary law and to the courts.

“The belief in and respect for freedom of speech, and of worship, freedom of association, freedom of assembly, and of the press, equality before the law and so on, all are a part of a long constitutional tradition stretching back through Canadian history. Canada’s Federal Parliament, through its jurisdiction safeguards many of these Rights.....

“There is no systematic protection of Social and Economic rights for Canadians but rather a variety of laws covering broadly, but incompletely the fields in which these rights are formulated and maintained” ( Professor Scott ).

The British North America Act, mentions specifically linguistic and religious rights, in sections 133 and 93 respectively and other minority protections.

## France.

### *Fundamental Rights :*

The Vichy Government, during the period of German occupation of France—July 1940 to May 1945—not only abolished the motto, “Liberty, Equality, and Fraternity”, which the Third Republic had inherited from the French Revolution, but also attacked the fundamental rights of citizens. The preamble of the Constitution of the Fourth Republic of France of October 1946, solemnly reaffirms “The rights and freedom of man and of the citizen consecrated by the Declaration of the Rights of 1789, and the fundamental principles recognized by the laws of the Republic”.

It further proclaims the following political, social and economic principles as most vital:

- (i) Equality of Rights for women in all domains.
- (ii) Rights of asylum in France, for persons persecuted of activities in the cause of freedom.
- (iii) Right to Employment; and the opportunity to work. No one may suffer in his work, on account of his origin or beliefs.
- (iv) Right to strike within the framework of the laws that govern it; the right to defend his interests by Trade Union action.
- (v) All property and enterprise which have character of a national public service, must become the property of the country.

In general, France guarantees to all—the child, the mother, the aged workers—protection of wealth, material security, rest and leisure, and every human being who because of his age, his physical or mental condition or because of the economic situation, finds himself unable to work has the right to obtain from the community, the means to lead a decent existence.

Art. 81. “All citizens and nationals of territories within the French Union shall have the status of citizens of the French union, which ensures them the enjoyment of rights and liberties guaranteed by the preamble of the present Constitution” ( noted above ).

## Switzerland.

### *Fundamental Rights :*

Guaranteed by the Federal Constitution of the Swiss Confederation of May 29, 1874.

### *Political Rights :*

Art. 43. (i) Every citizen of a Canton is a Swiss citizen.

Art. 44. No Swiss citizen shall be expelled from the territory of the confederation.

Art. 54. (ii) A wife acquires in marriage the citizenship of the commune of her husband.

Art. 12. No member of the Federal Government civil or military, may accept from a foreign government, pensions, salaries, titles, gifts or decorations. A violation of this would entail the loss of the mandate or of the office.

N.B.—Basic Political rights to vote and stand for office are guaranteed by the Cantonal constitutions.

### *Civil Rights :*

Art. 55. Liberty of the Press is guaranteed though the Confederation may prescribe penalty in order to suppress abuses of the liberty of the Press directed against the Federal authorities.

Art. 56. Citizens have the right to form associations provided that the object and methods of such associations are not unlawful and injurious to the State.

Art. 65. Sentence of Death may not be pronounced for any political offence.

Art. 106. In penal cases trial is by jury.

Art. 45. Every citizen has the right to settle in any part of Switzerland, subject to the production of a certificate of origin.

Art. 4. All Swiss people are equal before the law. In Switzerland there are no subjects nor any privileges of rank, birth, person or family.

(Continued on page 99)

## Switzerland.

( Continued from page 98 )

Art. 60. Every Canton is bound to accord to its citizens or other Confederated States, the same treatment as to its own citizens in regard to legislation and judicial proceedings.

### *Social, Cultural and Religious Rights :*

Art. 54. The Right to marry is under the protection of the confederation.

Art. 49. Liberty of conscience and creed is inviolable.

Art. 50. The exercise of religion is guaranteed within limits compatible with public order and morality.

Art. 51. The order of Jesuits, may not be admitted in any part of Switzerland.

### *Economic Rights :*

Art. 31. The freedom of Trade and Industry is guaranteed throughout the confederation.

Art. 34. The Confederation shall introduce legislation to provide for sickness and accident insurance, regard being had to existing institutions.

Art. 34. The Confederation shall introduce by legislative measure old age, and Survival insurance institution.

Art. 48. A Federal law shall make provision as to the expenses of illness and burial of poor citizens of one Canton who fall ill or die in another Canton.

## Japan.

### *Fundamental Rights :*

Guaranteed in the Constitution of Japan of November 3, 1946.

### *Civil Rights :*

#### Chapter 2. Art. 11.

The people shall not be prevented from enjoying any of the fundamental human rights.....they shall be conferred upon the people as eternal and inviolate rights.

Art. 14. All people are equal under the law : there shall be no discrimination in political, social and economic relation on ground of race, creed, sex, social status.

Art. 16. Every person shall have the right of peaceful petition for redress of damage.....

Art. 31. No person shall be deprived of life or liberty.....except according to procedure established by law.

Art. 10. No person shall be held in bondage of any kind.

Art. 32. No person shall be denied the right to access to the Courts.

Art. 19. Freedom of thought and conscience shall not be violated.

Art. 21. Freedom of assembly and association, as well as speech, press and all other forms of expression are guaranteed.

Art. 22. Every person shall have freedom to choose and change his residence and occupation.

Art. 23. Academic freedom is guaranteed.

### *Political Rights :*

Art. 15. The people have the inalienable right to

(i) Choose their public officials and to dismiss them.

(ii) Universal adult suffrage.

( Continued on page 101 )

## Spain.

Fascist Spain has no Bill of human rights ; nor, is there a constitutional guarantee of them. The Penal Code Decree of December 1944, as amended by the law of 17 July, 1946, is an elaborate body of rules relating to the offences against the State e.g.

(i) Offences compromising the peace or independence of the State.

(ii) Offences against the Head of the State, the Cortes, the Council of ministers, and the form of Government.

(iii) Offences committed with regard to the exercise of the rights of the individual recognized by law etc. etc.

In general they are restrictions on those freedoms of the citizens which are regarded as sacred and inviolable in all democracies.

## Japan.

( Continued from page 100 )

### *Economic Rights :*

Art. 29. (1) The right to own and hold property is inviolable.

(ii) Private property may be taken for public use upon just compensation therefor.

Art. 30. The people shall be liable to taxation as provided by law.

Art. 27. All people shall have the right to and the obligation to work.

Art. 28. The right of workers to organize and to bargain and act collectively is guaranteed.

### *Social and Political Rights :*

Art. 25. All people shall have the right to maintain the minimum standard of wholesome and cultured living.

Art. 20. Freedom of religion is guaranteed to all.....



## **Egypt.**

### *Fundamental Rights :*

Guaranteed by the Royal Rescript of April 19, 1923.

### *Civil Rights :*

Art. 3. All Egyptians are equal before the law. They shall enjoy civil and political rights and shall be equally subject to public charges and duties without distinction of race, language or religion.

Art. 4. The freedom of the individual is guaranteed.

Art. 5. No person may suffer arrest and detention save in accordance with the provisions of the law.

Art. 7 Egyptians may not be expelled from Egyptian territory.....

Art. 8. The sanctity of house shall be inviolable.

Art. 14. Freedom of opinion is guaranteed ; within the limits of the law, every person has the right to express his thoughts freely, in word, in writing, personally, or otherwise.

Art. 15. The Press is within the limits laid down by law. Preventive censorship is prohibited.

Art. 20. Egyptians have the right to assembly peacefully and without arms.

Art. 21. Egyptians have the right of association.

Art. 22. Egyptians have the right to apply to public authorities by means of signed petitions.

### *Economic Rights :*

Art. 9. Property shall be inviolable. No person may be deprived of property except for reasons of public utility.....and in consideration of a fair compensation.

Art. 10. Punishment by general confiscation of property is prohibited.

### *Religious and Cultural Rights :*

Art. 12. Freedom of conscience is absolute.

Art. 13. The State protects the free practice of all religions and beliefs.....

## Czecho-slovakia.

### *Fundamental Rights :*

Guaranteed in the Constitutional charter of the Czechoslovak Republic of February 29, 1920.

#### *Civil Rights :*

Art. 106. (i) Privileges due to sex, birth and occupation shall not be recognized.

(ii) All persons residing in the Republic, shall enjoy with the citizens, complete and absolute security of life, liberty.....

Art. 107. (i) Personal Freedom shall be guaranteed.

(ii) No person shall be deprived of personal liberty or restricted in the enjoyment of the same except upon legal grounds.

Art. 108. (i) Every citizen may take up his abode wheresoever he will in the Republic.

Art. 115. The right of petition shall be enjoyed by every person.

Art. 112. Domestic rights are inviolable.

Art. 116. Inviolability of the matter entrusted to the mail is guaranteed.

Art. 117. Every person may within the limits of the law express his or her opinion by word, in writing, in print and by picture etc.

Art. 113. Freedom of the Press as well as the right to assemble peacefully and to form association is guaranteed.

#### *Economic Rights :*

Art. 109. (i) Private ownership may be restricted only by law.

(ii) Expropriation is possible only on the basis of law; compensation will be given in all cases.

Art. 114. The Right of association to safeguard and ameliorate the conditions of employment and economic conditions are guaranteed.

#### *Cultural and Religious Rights :*

Art. 121. Liberty of conscience and religious creed is guaranteed.

Art. 122. All inhabitants have the right to profess and exercise any creed religion and faith.....

Act. 124. All religious confessions shall be equal before the law.

Art. 126. Wedlock, family and motherhood shall be under the protection of the law.

## Sweden.

### *Fundamental Rights :*

Guaranteed by the Constitution of the Kingdom of Sweden of June 1809.

The Swedish Constitution of 1809, contains no lists of Rights comparable with those of its contemporaries, the French Constitution of 1791; the U.S.A.'s Constitution of 1788; the Norwegian Constitution of 1814. This was due to the peculiar historical circumstances which surrounded the framing of the new constitution. With one exception—the freedom of the press—the statement of fundamental rights is embodied in a single art. 116, which runs as follows.

“The King shall maintain and further truth ; and prevent and prohibit iniquity and injustice. He shall not deprive any one or allow any one to be deprived of life, without legal trial and sentence; he shall not deprive any one or permit any one to be deprived of real or personal property without trial and judgment in accordance with the provisions of Swedish law and statutes.

He shall not disturb or allow to be disturbed the peace of any person in his home; he shall not banish any person from one place to another ; he shall not constrain or allow to be constrained the conscience of any person but shall protect every one in the exercise of his religion, provided he does not thereby disturb public order.

The King shall cause every one to be tried by the Court to the jurisdiction of which he is properly subject”.

Atr. 86. By freedom of the press is understood the right of every Swede to publish his writing without any previous interference on the part of public authorities.

## Belgium.

### *Fundamental Rights :*

Guaranteed by the Constitution of the Kingdom of Belgium of February 7, 1831.

### *Civil Rights :*

Art. 6. There shall be no distinction of classes in the state.

Belgian citizens are equal before the law.

Art. 7. Individual liberty is guaranteed.....  
No one may be prosecuted except in cases provided for by the law.

Art. 10. The private domicile is inviolable.

Art. 13. Total deprivation of Civil Rights is abolished.

Art. 17. There shall be freedom of opinion, in teaching.....

Art. 18. The Press is free; no censorship shall ever be established.

Art. 19. Belgian citizens have the right to assemble peacefully and without arms.....

Art. 20. Belgian citizens have the right to association; this right shall not be restricted by any preventive measure.

Art. 21. Any one has the right to address petitions to the public authorities.

### *Economic Rights :*

Art. 11. No one shall be deprived of his property except for the public good.....according to law,.....  
.....and in consideration of just compensation previously determined.

Art. 12. Punishment by confiscation of property shall not be established.

### *Religious and Cultural Rights :*

Art. 14. Religious ~~liberty~~ and freedom of public worship.....are guaranteed.

Art. 15. No one shall be compelled to join.....  
in the forms and ceremonies of any religion.....

Art. 23. The use of spoken languages in Belgium is optional.

## Denmark.

### *Fundamental Rights :*

Guaranteed by the Constitution of Denmark of June 5, 1915.

### *Civil Rights :*

Art. 78. Every person who is arrested shall, within 24 hours be brought before a judge.....

Art. 79. The dwelling is inviolable.....

Art. 81. All restrictions prejudicial to the free exercise of the professions by all.....shall be abolished by law.

Art. 84. Every person has the right to publish his opinion in the press.....censorship and other preventive measures may never be introduced.

Art. 86. Citizens have the right of meeting unarmed. Police may be present at public meetings.

Art. 90. All privileges attaching by law to nobility, titles and rank are abolished.

### *Economic Rights :*

Art. 80. Property is inviolable. No person may be deprived of his property save where the public good requires.....

Expropriation can only take place in consequence of legislation.....

### *Religious and Cultural Rights :*

Art. 74. Citizens have the right of forming themselves into communities for the worship of God, in accordance with their convictions.

Art. 75. No person may be compelled to contribute personally to any religion other than his own.

Art. 77. No person may, because of his religious opinions be deprived of the full enjoyment of his civil and political rights, nor avoiding fulfilling his duties as a citizen.

## Italy.

### *Fundamental Rights :*

Guaranteed by the Royal Statute of March 4, 1848.

### *Civil Rights :*

Art. 3. Equal rights of all citizens, whatever their status or rank, to the exercise of civil and political rights.

Art. 25. Personal freedom comprising right to physical integrity, inviolability of the home, the inviolability of correspondence, free choice of profession, freedom of personal action and movement. No one could be arrested or brought to court, except in the cases provided for and in accordance with the procedure prescribed by law.

Art. 28. Freedom of the press.

Art. 32. Freedom to assemble peaceably without arms.

Art. 37—58. The Right of petition.

( The Right of Association was not expressly mentioned in the statute, but it followed from the general principle of the law.....Nor was the freedom of conscience and worship expressly provided for).

### *Economic Rights :*

Art. 29. All property without exception was inviolable. When required for public interest, the owner were to receive just compensation in accordance with the law.

Art. 30. No taxation not passed by the parliament or sanctioned by the King could be imposed or levied.

N. B. Fascism abolished or limited one by one these Rights which the statute had guaranteed to all citizens. The Fascist doctrine repudiated human rights, subordinating the individual's interest to the interest of the state.

One of the most important tasks of the various governments which have come after the collapse of Fascism in Italy, has been to restore the rights and freedom of all citizens without distinction.

## Poland.

### *Fundamental Rights :*

Guaranteed by the Constitution of Poland of March 17, 1921.

### *Civil Rights :*

Art. 95. The Republic of Poland guarantees on its territory to all, without distinction of nationality, language race or religion, full protection of life, liberty and property.....

Art. 96. All citizens are equal before the law.....

Art. 98. No one may be deprived of the court to which he is subject by law.

Art. 100. The home and hearth of the citizens are inviolable.

Art. 101. Every citizen has the liberty of selecting on the territory of the Republic, his place of residence and abode.

Art. 104. Every citizen has the right to express freely his ideas and convictions so long as he does not violate legal provisions.

Art. 107. Citizens have the right of presenting individual or collective petitions to all state and self-governing representative bodies.

Art. 108. Every citizen has the right to compensation for damage inflicted upon him by civil and military organ of state authorities.....

### *Economic Rights :*

Art. 99. The Republic of Poland recognizes all property.....as one of the most important bases of social organization and legal order.....

Art. 102. Labour is the main wealth of the Republic and should be under the special protection of the state. Every citizen has the right to protection of his labour in case of lack of work, illness, accident or debility.....

### *Religious and Cultural Rights :*

Art. 111. Freedom of conscience and religion is guaranteed to all citizens.....

(Continued on page 109)

## Germany.

N. B. The Weimer Constitution was admittedly the most advanced, progressive and democratic constitution the world had known till the thirties of this century. The guarantee of the basic human rights was quite its chief feature. Hitler abrogated and destroyed every one of them. The Nazi regime and the Nazi law was hostile to its fundamental principles. The Potsdam agreement of August 2, 1945, provides for the restoration of representative and elective principles; and of fundamental civil and political rights. While the future of Germany is a matter still uncertain, the states of Hesse louerttemberg—Baden, and Republic of Bavaria, as members of the German Republic, have adopted democratic Constitutions, guaranteeing fundamental rights of citizens, along the lines of the old Weimer Constitution.

## Poland.

*(Continued from page 108)*

Art. 112. Every religious community recognized by the state has the right of organizing collective and public services.

( Articles 113, 114, 115 and 116 all deal with right of religion and other institutional operations ).

Art. 117. Learned investigations and publications of their results are free. Every citizen has the right to teach.

N.B. Unlike many other constitutions, the Constitution of the Polish Republic defines a series of duties of the citizens : they are contained in Arts : 89—94. Duties regarding loyalty to the State; obedience to its laws, of Military Services, of sharing public offices, of assistance to Public authorities etc. etc.



## China.

### *Fundamental Rights :*

Guaranteed in the new Chinese Constitution.

### *Civil and Political Rights :*

Art. 5. All the people of the Republic of China shall be equal.

Art. 7. Everyone irrespective of sex, religion, race class and party shall be equal before the law.

Art. 8. The freedom of person of the people shall be protected.....arrests, trials, detentions, and punishment effected not in accordance with legal procedure may be resisted.

Art. 11. The people shall have the freedom of speech, teaching, writing and publication.

Art. 12. The people shall have the freedom of secrecy of correspondence.

Art. 14. The people shall have the freedom of assembly and of forming association.

Art. 10. The people shall have the freedom of domicile and of change of domicile.

Art. 16. The people shall have the right to present petitions, lodge complaints and institute legal proceedings.

Art. 17. The people shall exercise the powers of election, recall, initiative and referendum.

### *Economic Rights :*

Art. 15. The right to exist, the right to work, the right to property of the people shall be protected.

Art. 143. ....The right of possession of land acquired by people in accordance with law shall be protected and restricted by law.

(N.B. Art. 144 to 169 contain an extensive consideration regarding the conditions of work, guarantee of social insurance, health etc).

Art. 13. The people shall have the freedom of religious belief.

*(Continued on page 111)*

## Norway.

### *Fundamental Rights :*

Guaranteed by Constitution of May 17, 1814.

### *Civil Rights :*

Art. 96. No one may be convicted except according to law or punished except according to judicial sentence.

Art. 99. No one may be arrested or committed to prison except in the cases determined by the law; and in the manner prescribed by the law.

Art. 100. There shall be liberty of the Press. No person may be punished for writing any.....

Every one shall be free to speak his mind frankly on the administration of the state.

Art. 102. Domiciliary visits shall not be made except in criminal cases. No earldoms, baronies etc. may be created in the future.

### *Economic Rights :*

Art. 107. The right of ownership of land shall not be abolished; nor the right of succession to landed property.

Art. 105. If the welfare of the State demands the surrender of private property for public use, the individual shall receive full compensation.

## China.

( Continued from page 110 )

Art. 21. The people shall have the right and obligation of receiving citizens education.

Art. 159. The citizen shall have an equal opportunity of receiving education.

( The remaining clauses in this section viz Arts : 160 to 167 elaborate details of state's assistance to Education ).

## Mexico.

### *Fundamental Rights :*

Guaranteed by the Constitution of the United Mexican States of February 5, 1917.

### *Civil Rights:*

Art. 1. Every person in the U.M. States shall enjoy the guarantees that this constitution grants.....

Art. 2. Slavery is prohibited.....

Art. 12. Neither titles of nobility nor hereditary privileges or honours shall be granted in the states.

Art. 14. No person may be deprived of his life, liberty or his property except by means of a direct judgment.....and in conformity with the laws.....

Art. 16. No person, his family, domicile, papers, or possession may be molested except by virtue of a written order.....

Art. 11. Any person has the right to enter the Republic, leave it, travel, change residence without a letter of authority.....

Art. 6. Expression of ideas shall not be subject to any judicial or administrative investigation, except where it may provoke some crime or disturb public order.

Art. 7. Freedom to write and publish articles on any subject is inviolable.....

Art. 9. The right of associating or meeting peacefully for any lawful purpose shall not be infringed.....

Art. 8. Public officials and employees shall respect the exercise of the Right of petition.

### *Economic Rights :*

Art. 5. No person may be obliged to render personal labour without just compensation and without his full consent.....

Art. 27. Ownership of land belongs to the Nation—which holds the right to transfer ownership to private persons. Expropriation for reasons of public utility would be by means of indemnification.

( Continued on page 113 )

## **Austria**

The Federal Constitution of 1929 was restored, after the liberation of Austria; though the Allied Control Commission for Austria, which has to approve by unanimous vote constitutional law, has not yet adopted it. Republican tradition is strong in Austria; and the citizens were enjoying full civil and political rights till Hitler annexed it to the Third Reich in 1938.

These rights have now been restored.

## **Mexico.**

( *Continued from page 112* )

( Ownership of land is free to a few categories of subjects ).

### *Religious and Cultural Rights :*

Art. 24. Every man is free to profess the religious belief which is most pleasing to him.....

Art. 3. Primary education shall be compulsory. All education imparted by the state shall be free.

( N.B. Art. 123 is an elaborate section consisting of 31 clauses relating to the conditions of work, and security of the workers; it defines the relations between the employers and the workers ).

## United States of America.

### *Fundamental Rights :*

Guaranteed by the Federal Constitution of U. S. A. of May 1789.

Art. 14. Sec. (1) .....No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.S., nor shall any state deprive any person of life, liberty and property without due process of law; nor to deny any person within its jurisdiction the equal protection of the laws.

Art. 1. (Sec. 9) The privilege of the writ Habeas Corpus shall not be suspended.

Art. 3. (Sec. 2, 3) The trial of all crimes, except in cases of impeachment, shall be by jury.....

Art. 1. The Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Art. 4. The right of the people to secure their persons, houses, papers and effects against unreasonable search and seizurs, shall not be violated.....

Art. 15. The right of the citizens of the U.S. to vote shall not be denied or abridged by the United States or by member states on account of race, colour, or previous condition of servitude.

Art. 9. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Art. 19. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

N.B. Apart from the guarantees provided by the Federal Constitution, the constitution of each of 48 states, contains a Bill of Rights, securing for the citizens all the essential rights.

## Great Britain.

### *Fundamental Rights :*

Unlike most countries human rights in Great Britain are not based on any fundamental law. They are guaranteed partly by acts of the Parliament and partly by the well established principles of Common Law.

### *Civil and Religious Rights :*

1. The Right to Vote—Guaranteed by the various Reform Acts 1832, 1867, 1885, People's Act 1918 etc.

2. The Right of personal freedom is safeguarded firstly by the writ of Habeas corpus, according to which illegal confinement is prohibited.

( cf—Magna Carta. The Habeas Corpus Acts 1679 and 1816, and secondly, the remedy of proceedings, both civil and criminal for false imprisonment).

3. Freedom of Speech; as long as the speech is not defamatory, obscene, treasonable, seditious, or likely to provoke breach of peace. ( The Law of Libel covers most of the qualifications to the exercise of this right ).

4. Right to the Freedom of Press—includes the right to attend the meetings of public authorities and reporting of parliamentary proceedings etc.

5. Right of Assembly: guaranteed by Public Meeting Act of 1908; and Public Order Act of 1936.

6. Right of Association: Companies Act governs the formation of Companies; the restrictions on Trade Unions imposed by the Trade Unions Act 1927, were abolished in 1946.

7. Right of Freedom of Conscience : Penalties upon religious non-confirmity were removed by the Toleration Act of 1689 and by subsequent statutes.

8. England has advanced steadily along the path of social insurance over the past sixty years. The National Insurance Act of 1946, has repeated all previous statutory arrangements for social security.

## Russia.

### *Fundamental Rights :*

Guaranteed by the Constitution of the U. S. S. R. of 1936.

### *Civil Rights :*

Art. 123. The equality of the rights of citizens of the U.S.S.R., irrespective of their nationality or race, in all fields of economic, state, cultural, social and political life is irrevocable.....any direct or indirect restriction of these rights is.....punishable by law.

Art. 127. The citizens of the U.S.S.R. are ensured the inviolability of person. No one may be subject to arrest except upon a decision of a court.

Art. 128. The inviolability of the homes of citizens and secrecy of correspondence are protected by law.

Art. 125. ....Citizens of the U. S. S. R. are guaranteed

(a) Freedom of speech.

(b) Freedom of the press.

(c) Freedom of assembly and meeting.

(d) Freedom of street procession and demonstrations.

Art. 126. ....Citizens of the U. S. S. R. are ensured the right of combining in public organizations, trade unions, co-operative associations.....cultural, technical and scientific societies.

### *Economic Rights :*

Art. 118. Citizens of the U.S.S.R. have the right to work.....this is ensured by the Socialist Organization of the National Economy.....

Art. 119. Citizens of the U.S.S.R. have the right to rest.

Art. 120. Citizens of the U.S.S.R. have the right to material security in old age, and in event of sickness, and loss of capacity to work.....this right is ensured by a wide development of Social Insurance of workers and employees.

*(Continued on page 117)*

## **Ceylon.**

### *Fundamental Rights :*

The Constitution of Independent Ceylon adopted last year (1948), and based on the Soulbury Commission report, guarantees all the fundamental human rights to its citizens as in other democratic countries. Full details of these are not available.

## **Russia.**

( *Continued from page 116* )

### *Religious and Cultural Rights :*

Art. 124. To ensure to citizens the freedom of conscience, the church in the U.S.S.R. is separated from the state.....freedom to perform religious rites.....is recognized for all citizens.

Art. 121. Citizens of the U.S.S. R. have the right to education,

N.B. Art. 130-133 elaborate the duties of the citizens : viz to observe the constitution and obey the laws; to safeguard and consolidate public socialist property ; to defend the fatherland; to render military service.



## Burma.

### *Fundamental Rights :*

Guaranteed by the Constitution of Republic of Burma of May 1948.

### *Civil Rights :*

1. All citizens irrespective of birth, religion, sex or race, are equal before the law.....

2. There shall be equality of opportunity for all citizens in matters of public employment.....

3. No citizen shall be deprived of his personal liberty nor his dwelling entered, nor his property confiscated save in accordance with law.

4. No person shall be convicted of crime except for violation of law.

5. There shall be liberty in the exercise of the following rights :

(i) The right of citizens to express freely their convictions and opinions.

(ii) The right of the citizens to assemble peacefully and without arms.

(iii) The right of the citizens to form associations and unions.....

(iv) The right of every citizen to reside and settle in any part of the Union, to acquire property, and to follow any occupation, trade, business or profession.

### *Economic Rights :*

6. Subject to the provisions of this section, the state guarantees the right of private property and of private initiative in the Economic spheres.

7. Private monopolist organization, such as cartels .....for monopolising the market, or otherwise calculated to injure the interest of the national economy, are forbidden.

8. Private property may be limited or expropriated

*(Continued on page 119)*

## Burma.

(Continued from page 118)

if the public interest so requires, but only in accordance with law.....and with compensation.

9. Traffic in human beings and forced labour in any form.....shall be prohibited

### *Religious and Cultural Rights :*

10. All persons are equally entitled to the freedom of conscience, and the right freely to profess and practise religion subject to public order, morality or health.....

11. The State shall not impose any disabilities or make any discrimination on grounds of religious faith or belief.

12. No minority, religious, racial, or linguistic shall be discriminated against in regard to admission into state educational institutions.....

(The Burmese Constitution, unlike any others discussed here provides for a constitutional remedy for the implementation of the rights guaranteed).

Thus :

13. The right to move the Supreme Court by appropriate proceedings for the enforcement of any of the Rights conferred by this chapter, is hereby guaranteed.

## Australia.

### *Fundamental Rights :*

The Commonwealth of Australia Constitution Act of 1900 only contains three provisions which were intended to give direct protection to the individual. These sections restrict only the activities of the Commonwealth Government and do not apply to the states.

These are :

Sec. 80. The trial on indictment of any offence against any law of the Commonwealth shall be by jury.....

Sec. 116. The Commonwealth shall not make any law for establishing any religion or for imposing any religious observance or for prohibiting the free exercise of any religion; and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

Sec. 51. Requires that Commonwealth laws for the acquisition of property should provide just compensation to the person affected.

Sec. 92. Requires that inter-state trade commerce and intercourse shall be absolutely free.

N.B. The remaining basic Civil Rights are guaranteed by the laws of the provinces, supported by the habits and the traditions of the people. Economic and Social Rights occupied the attention of the government since 1931. The Commonwealth now provides for a wide series of Social Services and Social Insurance and medical benefit.

## SECTION VII.

Life of the modern democratic State is built upon the Party-System which is one of the most vital institutions of a democracy. The growth of the party-system has been simultaneous with the rise and growth of the ideas of Representative Government. To-day, the political parties form an inevitable link between the 'Political Electorate' and the Parliament; in fact, between the people as a whole and the organ of the Government through which its will finds official expression. Parties not only organize public opinion, but create it; they arrange issues upon which people have to vote—i. e. they select problems and present solutions which would be acceptable to the public. In brief, there is a continuous process of education of the electorate undertaken by political parties.

The great cleavages of modern society over a large part of the world are mainly economic—not racial, religious, or cultural—and it is on these differences that political parties of the modern states are based. This section gives a brief account of the political parties and their policies and programmes of the countries discussed in this book.

## France.

### *Party System :*

Number of Parties : 6.

Party Name and Policy :

1. *Communist Party* : Was dissolved in September 1909 and went underground. It advocates a democratic programme, plans for national rehabilitation, including nationalization measures and support of small industries and crafts; the defence of the peasant landowners. In foreign policy, it is opposed to the Western Bloc.

*Leader* : Maurice Thorez.

*Present Strength* :

National Assembly : 182.

2. *Movement Republican Populaire* : ( M.R.P. ), It developed out of the resistance movement and includes many of the de Gaulle's adherents. Although, it is supported by many conservatives against Communism, yet its programme is leftist in character. It contains Catholic elements. In foreign policy, they favour the Western Bloc; at home, they stand for limited nationalization.

*Leader* : Georges Bidault.

*Present Strength* :

National Assembly : 166.

3. *Socialist Party* : In the provisional government of 1945—1947, it played the role of a centre party between the Communist and the M. R. P. It gradually lost influence, because of this role; though its prestige increased by the success of the Blum all-Socialist caretaker government.

In its foreign policy, it supports the Western Bloc Plan (if not directed against the Soviet Union). At home, it advocates restricted nationalisation.

*Leader* : Leon Blum.

*Present Strength* :

National Assembly : 102.

( Continued on page 123 )

## France.

( Continued from page 122 )

4. *Rassemblement Des Gauches* : This block was formed in 1946 in response to a new electoral law which requires a party to contest at least twenty constituencies and secure at least 5 per cent of the national vote if it is to receive representation in the assembly,

(i) Radical and Radical Socialist Party, adheres to the Constitution of 1875 and is opposed to nationalization; its influence diminished considerably.

(ii) Democratic and Socialist Union of Resistance, is a coalition of non-Communist and Socialist resistance groups.

*Leaders* : (i) R & R.S., Edward Herriot.

(ii) U.D.S.R., Eugene Petit.

*Present Strength* : 71.

5. *Unified Movement of the French Renaissance* : A Communist affiliated group consisting of members of the National Council of Resistance and of departmental liberation committees represented in the Assembly by the Republican and Resistance groups.

6. *Republican Party of Liberty* : Was formed in 1945, of 4 smaller Rightist Parties, uniting elements from the Republican Unity Party, the Republic and Federation, the Republican Renovation, and the Democratic alliance. The group is opposed to rapid socialization of France. In foreign policy, it strongly supports the Western Bloc plan.

*Leader* : Paul Reynaud.

*Present Strength* :

National Assembly : 38.

## Switzerland.

### *Party System :*

Number of Parties : 8.

Party Name and Policy :

1. *Social Democratic Party* : Is a constitutional and trade union socialist party advocating wider state ownership, control and direct federal taxation. It also supports schemes for proportional representation.

*Leader* : Ernest Nobs.

*Present Strength* :

Council of State : 6.

National Council : 54.

2. *Progressive Democratic Party* : A progressive, middle class group which brought about the revolution of 1847, and compelled the change from a Confederation to a Federation. It advocates control of railways; strengthening of National defence; reform of factory Laws, extension of social legislation.

*Leader* : Dr. Karl Kobelt.

*Present Strength* :

Council of State : 11.

National Council : 47

3. *Catholic Conservative Party* : A clerical federalist group, opposes centralisation of National Power and direct taxation; advocates social legislation and religious freedom.

*Leader* : Dr. Phillip Etter.

*Present Strength* :

Council of State : 19.

National Council : 43.

4. *Farmers, Workers and Middle Class Party* : A Government party, but more conservative and strongly in favour of agrarian reform; protection of agricultural industry interests ; building up of a strong national defence.

*(Continued on page 125)*

## Switzerland.

( Continued from page 124 )

*Leader :* Edward Von Steiger.

*Present Strength :*

Council of State : 4.

National Council : 22.

5. *Liberal Democratic Party :* Is similar to the Catholic conservative in programme except recruited more in Protestant circles. It is generally opposed to Socialism. It favours Free Trade, Social Insurance measures; opposes direct Federal Taxation.

*Leaders :* Dr. Albert Oeri, Albert Picot.

*Present Strength :*

Council of State : 2.

National Council : 8.

6. *Independent Party .* Is a progressive middle class group representing consumers' interests.

*Leader :* G. Dutteveiler.

*Present Strength :*

Council of State : Nil.

National Council : 5.

7. *Democratic Party of Switzerland :* Was formed in 1941; its objective is to unite the left middle class of the country; advocates realisation of social democracy.

*Leader :* Dr. Anderas Gadiant.

*Present Strength :*

Council of State : 2.

National Council : 6.

8. *Swiss Labour Party :* Is the extreme left wing Marxist party organized in 1944, though not officially represented in the National Legislature. It advocates Nationalization of Banking institutions, of all major industries; better working condition, and women suffrage,

*Leader :* Leon Nicole.



## Australia.

### *Party System :*

Number of Parties : 3.

Party Name and Policy :

1. *Labour Party*: First came into power in 1941 during the War period; its main objective was to build up the War effort. It was returned to power in 1946; by that time War-time regulations were suspended. Its national policy includes, reorganization of Defence, control of Industry, obligations to the United States. With New Zealand it signed up a pact—'Anzal Pact' in 1944, by which a machinery was set up for continuous consultations between the countries for matters of Defence etc.

*Leader* : J.B. Chiefley.

*Present Strength* :

Senate : 33.

House of Representatives : 43.

2. *Liberal Party*: Formerly it was known as the United Australia Party. It is the largest party in opposition. Its objectives include; to restore the power and prestige of the non-Labour groups; favour free enterprise, strengthen the defence of the country; support a closer integration of the British Commonwealth countries; development of industry; lower taxation and encouraging of closer co-operation between employer and workers.

*Leader* : R.G. Menzies.

*Present Strength* :

Senate : 2.

House of Representatives : 17.

3. *Country Party* : It was created in coalition with the United Australia party, but announced a separate policy in 1946. There is still a working arrangement between these, to oppose the Labour party. Its policy is based on similar principles to that of the Liberal party, except that it is organized to represent the interests of the primary producers; hence it places greater emphasis on the stabilisation of primary industry.

*Leader* : A.W. Fadden.

*Present Strength* :

Senate : 1.

House of Representatives : 12.

## Turkey.

### *Party System :*

Number of Parties : 2.

Party Name and Policy :

*Republican Peoples Party :* Is the principal political party in Turkey. In its foreign policy, it gives full support to the United Nations Organization. In domestic affairs, it works for the modernization of Turkey, and supports the Turkish language and culture; exclusive measures of economic reform; favours state-control of economic matters.

*Leader :* General Ismet Inonu.

*Present Strength :*

Grand National Assembly : 396.

2. *Democratic Party :* Was formed in 1945, after the government's decision to democratise the political life of Turkey. In foreign policy, it agrees with the tenets of the Republican Peoples Party. In domestic policy, it stands for a more rapid democratisation and more efficient control of the economic life of the country.

*Leader :* Celal Bayar.

*Present Strength :*

Grand National Assembly : 60.

## Sweden.

### *Party System :*

Number of Parties : 5.

Party Name and Policy :

1. *Social Democratic Party* : It is a moderate constitutional Socialist Labour Party. During the World War Second, it adhered to the United Nations and world co-operation. In domestic policy, it advocates democratic control of industry, social reform and social insurance.

*Leader* : Tage Erlander.

*Present Strength* :

Upper Chamber : 86.

Lower Chamber : 115.

2. *Conservative Party* : It is strongly monarchical. In foreign policy, its attitude is the same as that of the Social Democrats. At home, it favours the continuation of the private system of production, development of agriculture and commerce with moderate production.

*Leader* : F.F. Donio.

*Present Strength* :

Upper Chamber : 26.

Lower Chamber : 39.

3. *Liberal Party* : It consists of two factions, the urban middle class and the Rural and Temperance. Its foreign policy is the same as that of the Social Democrats. In domestic affairs, it stands for promotion of private enterprise, and is opposed to Nationalization; it also advocates free trade and low tariff.

*Leader* : Bertil Ohlin.

*Present Strength* :

Upper Chamber : 14.

Lower Chamber : 26.

4. *Farmers' Party* : It is conservative in tendency, working exclusively for the interests of the farmers. It emphasizes protection for agriculture, reduction in agrarian taxes, advocates local self-government and protection of land ownership. Foreign policy is the same as of other groups.

(Continued on page 129)

## Norway.

### *Party System :*

After the liberation of Norway from German occupation, the party alignment situation in the country is as follows :

Labour (Leader : Einar Gerhardsen) 76.

Conservatives : 25.

Liberals : 20.

Communists : 11.

Agrarians : 10.

Christian Peoples : 8.

Details of their respective programmes and policies are not available.

## Sweden.

( Continued from page 128 )

*Leader :* Axel Branstorp.

### *Present Strength :*

Upper Chamber : 21.

Lower Chamber : 38.

5. *Communist :* As elsewhere stands for socialist programme and close collaboration with the U.S.S.R.

*Leader :* Sven Linderoh.

### *Present Strength :*

Upper Chamber : 3.

Lower Chamber : 15.

## South Africa.

### *Party System :*

Number of Parties : 4.

Party Name and Policy :

1. *United Party* : General Smuts came into power when his government declared war on Germany as leader of the United Party in 1939. He was against the policy of neutrality advocated by General Hertzog. In 1943, it was again returned to power but was defeated in the election last year. It is less aggressive than the National party on the racial problem.

*Leader* : General Smuts.

*Present Strength* : (1943).

Senate : 25.

House of Assembly : 87.

2. *National Party* : The party was formed in 1940 by the followers of the late General Hertzog, who has then withdrawn from the United Party. It won the election in 1948, has since then followed the aggressive policy of racial discrimination.

*Leader* : Dr. D.F. Malan.

*Present Strength* : (1943).

Senate : 11.

House of Assembly : 46.

3. *Dominion Party* : Advocates co-operation with the British Commonwealth.

*Leader* : Col. Stallard.

*Present Strength* :

Senate : 2.

House of Assembly : 5.

4. *Labour Party* : Once united with the Nationalist party in 1924, and again in 1929, it has lost all its former strength as a result of a split in its ranks.

It supports the maintaince of colour bar in industries; protection and welfare of workers, state assistance to industry.

*Leader* : Mrs. Jessie Mcpherson.

*Present Strength* :

Senate : 2.

House of Assembly : 9.

## Ireland.

*Party System :*

Number of Parties : 5.

Party Name and Policy : 1.

1. *Fianna Fial* : It advocates for a friendly association with Great Britain and the revival of the Irish language. Its economic programme includes encouragement of agriculture and industry by special protection, planning for developing the country's mineral resources, and electrification. It has also started new social service.

*Leader* : Eaman de Valera.

*Present Strength* : 78.

2. *United Ireland Party* : (Fine Gael).

It advocates friendly relations with Northern Ireland and economic development of the country, through encouragement of basic industry, improvement of agriculture, etc.

*Leader* : General R. Mulcahy.

*Present Strength* : 28.

3. *Farmers' Party* : It advocates the safeguarding of the unity and independence of the country; a Christian and national social order guaranteeing a minimum economic income for all citizens; a planned national development; expansion of social services.

*Leader* . Joseph Blowick.

*Present Strength* : 12.

4. *Labour Party* : It has a socialist programme and lays stress on full employment and expansionist monetary policy.

*Leader* : William Norton.

*Present Strength* : 8.

5. *National Labour* :

*Present Strength* : 4.

## Canada.

### *Party System :*

Number of Parties : 6.

Party Name and Policy :

1. *Liberal Party* : It has been continuously in power since 1921.

Its economic programme includes low tariffs, though it has never advocated any drastic reductions in them and is opposed to the idea of State intervention. During the depression of the thirties, it was compelled to adopt unemployment relief and insurance, and in the war period to take over a more direct control of the economic affairs of the country. At one time, it defended the Rights of the provinces; now it favours increasing the powers of the Federal Government.

*Leader* : W.L. Mackenzie King.

*Present Strength* :

Senate : 66.

House of Commons : 127.

2. *Progressive Conservative Party* : It stands for a high tariff programme for the protection of Canadian industries against competition. It has since 1935, approved of State intervention in the national economic life.

*Leader* : John Bracken.

*Present Strength* :

Senate : 22.

House of Commons : 66.

3. *Co-operative Commonwealth Federation* : As a federation of labour, farmer, socialist parties, it was organized in 1932. It advocates planned, socialized economy and an immediate nationalization of the banking and financial machinery; a large scale programme of public work; national minimum wage and social insurance.

*Leader* : M.J. Coldwell.

*Present Strength* :

House of Commons : 13.

(Continued on page 133)

## Spain.

### *Party System :*

Like Facist Italy and Nazi Germany of yesterday, and like the U.S.S.R. to-day, Spain is a single-party state. All other political groups have been declared illegal and merged into one Government Party—the Falange Española—under the direct control of their leader General Franco. There are, however, several divergent tendencies within the group.

## Canada.

( Continued from page 132 )

4. *Social Credit Party* : It was established in 1935; it advocates social credit monetary theories as a solution of provincial and federal problems.

*Leader* : E.C. Manning.

*Present Strength* :

House of Commons : 13.

5. *Bloc Populaire Canadian* : It represents French Canadian nationalism.

*Leader* : M. Maxime Reymond.

*Present Strength* :

House of Commons : 2.

6. *Labour Progressive Party* : In 1943, former members of the Communist Party organized themselves into the Labour Progressive Party.

*Leader* : Tim Berck.

*Present Strength* : 1.



## Egypt.

### *Party System :*

Number of Parties : 5.

Party Name and Policy :

1. *Wafd Party* : It was founded in 1924 by the great national leader Zaghlul Pasha. Though it has lost most of its original membership it has the support of a great body of Egyptians.

*Leader* : Mustafa El Nahas Pasha.

*Present Strength* :

Senate : 65.

Chamber of Deputies : Nil.

2. *Saddist Party* : It was established in 1938, after a split in the Wafd Party; it still claims adherence to the wafdist principles and is the strongest single group in the lower House, today.

*Leader* : Nokrashy Pasha.

*Present Strength* :

Senate : 15.

Chamber of Deputies : 125.

3. *Liberal Constitutional Party* : It generally stands for a policy of moderation, and is supported by the upper classes or intellectuals.

*Leader* : Mohd. Hussain Heikel Pasha.

*Present Strength* :

Senate : 15.

Chamber of Deputies : 74.

4. *National Party* : It is the oldest party in Egypt —stands for complete independence of Egypt and the Sudan. It has lost much of its former strength.

*Leader* : Hafez Pasha.

*Present Strength* :

Senate : 2.

Chamber of Deputies : 7.

(Continued on page 135)

## **Austria.**

### *Party System :*

Since its liberation in 1945, the Party alignment in Austria has been as follows ;

1. Austrian Peoples' Party.
2. Socialist Party.
3. Communist Party.

The Austrian People's party is successor to the Austrian Socialist Party—a Catholic organization.

It now commands majority in the Parliament.

## **Egypt.**

*(Continued from page 134)*

5. *Wafdist Bloc* : It also seceded from the Wafd in 1942. Like the Saadist they proclaim adherence to the principles of the Wafd.

*Leader* : Markzaim Ebeid Pasha.

*Present Strength* :

Senate : 7.

Chamber of Deputies : 29.

There is a large number of independents in both the Houses :

Senate : 40.

Chamber of Deputies : 29.

The present Egyptian Cabinet is a coalition one consisting of the Saadist and the Liberal Constitutional Party.

## Poland.

### *Party System :*

Number of Parties : 6.

Party Name and Policy :

1. *Polish Socialist Party* : It was established in 1892; has been the chief organizer of the Trade Unions in Poland, stands for state-control of major industries and raw material and extension of the co-operative principle to small scale industrial and commercial enterprise. It won a clear victory in the elections of 1947.

*Leader* : Edward Osobka-Norawski.

*Present Strength* :

Parliament : 383.

2. *Polish Peasant Party* : It is a liberal party, represents the better off peasants and merchants of rural areas and stands for retention of industrial forms. It is the second strongest group in the parliament

*Leader* : Stanislaw Mikolajczyk.

*Present Strength* :

Parliament : 27.

3. *Polish Workers' Party* : It came into existence in 1942; and carried out the underground resistance operation against the Germans. Proclaims the necessity of the collaboration of all democratic parties in Poland and advocates friendship with all Slavonic nations and western democracies.

*Leader* : W. Gomulka.

*Present Strength* :

Parliament : 17.

4. *Peasant Party* : It was established in 1895. It is a radical peasant organization representing poor peasants. Takes an active role in Students-self-Aid Union.

*Leader* : Jozef Putey.

*Present Strength* : 13.

(Continued on page 137)

## **Czecho-slovakia.**

### *Party System :*

Number of Parties : 6.

Party Name and policy :

1. Czechoslovakia Communist. (Leader ; Vlement Gottwald).
2. Czechoslovakia Socialist.
3. Catholics.
4. Slovak Democrats.
5. Social Democrats.
6. Slovak Communists.

## **Poland.**

( Continued from page 136 )

5. *Democratic Party* : It represents progressive groups of middle class and intellectuals; aiming at consolidation of democratic principles in Poland.

6. *Labour Party* : It stands for social equality and it is Christian, national and democratic in attitude.

*Leader* : T. Widy-Wirski.

## **New Zealand.**

### *Party System :*

Number of Parties : 2.

Party Name and Policy :

1. *Labour Party* : It came into power in 1936. It then introduced advanced programme of social security and nationalised the Reserve Bank and Mortgage Corporation and coal mines. Since then, it has continued its progress in the same direction, with an elaborate programme for housing, price stabilisation and rent-control.

*Leader* : James Roberts.

*Present Strength* :

Legislative Council : 30.

House of Representatives : 42.

2. *National Party* : It was formed in 1931, as a result of a coalition of the former Reform and United Parties. In 1946, it contested election on the programme of tax reduction, universal house ownership plus all the social security benefits initiated by the Labour Government.

*Leader* : Sidney S. Holland.

*Present Strength* :

Legislative Council : 5.

House of Representatives : 38.

## **Denmark.**

### *Party System :*

Denmark has eight political parties ; the four major groups being : Social Democratic Party; Liberals; Conservatives; and the Communists.

The minor groups are the Radical Liberals; the Danish Unity Party; and the Party of Justice.

## **Japan.**

### *Party System :*

Number of Parties : 4.

Parties :

1. Progressive.
2. Liberal.
3. Socialist.
4. Communist.

N.B. The election of 1946, was indecisive in that no single political party or set of principles received a clear-cut mandate from the electorate. Details of the party leaders and their programmes are not available.

## **Mexico.**

### *Party System :*

Party System in Mexico is of recent growth. At President Calles' instance, the National Revolutionary Party was organized in 1928. Actually it was a kind of merger of many local state groups into a National Party. There was no opposition party. This group which controlled the Government was superseded by a more representative and popular party in 1938. The Partido de la Revolucion Mexicana whose title later changed to Partido Revolucionario Institueionat. This is the party which now controls the Congress and the Government.

## Great Britain.

### *Party System :*

Number of Parties : 5.

Party Name and Policy :

1. *Labour Party* : Is largely composed of the membership of such national organizations as Trade Union, Socialist and Co-operative Societies, and of local organization, local Labour groups; and members of the professions, intellectual and now has the support of the middle class generally. It has an agreement with the co-operative party. Since it came to power in 1945, it launched on a bold social programme. In general, it seeks "planned production for common use in order to provide full employment, to provide social services, to ensure adequate health, nutrition in case of old age, and full educational opportunities for all. The field covered by the Labour Government's nationalization policy extends broadly to the fuel power transport industries and the Bank of England; the inclusion of the Iron and Steel industries hangs in the balance". In imperial affairs it has always stood for the development of self Government for colonies. The "liquidation" of the former British Empire, would be by the Labour Government reckoned as considerable achievement in the records of the Labour Party. Its successes in the recent bye elections shows that it has lost none of the influence and confidence of the British people which ushered into office 1945, in such a decisive majority.

In its foreign Policy; it supports the United Nations' Organization and has openly allied itself with America against the Soviet Union. It is the chief sponsor of the Western Union scheme, and is a signatory of the recently concluded 'Atlantic Pact' against aggression in the future.

*Leader* : Clement Attlee.

*Present Strength* :

House of Commons : 393.

2. *Conservative Party* : Is the successor to the Tory Party of the 18th and 19th Centuries, led the National Government from 1939-1945. It is composed of and

( Continued on page 141 )

## Great Britain.

( Continued from page 140 )

dominated by great land owners, financiers, and big businessmen. In its domestic policy it is strongly opposed to large scale scheme for nationalisation of industries and state interference in the domain of Industrial Rights. In its foreign policy, its outlook on the fundamental issue is not dissimilar to that of the present Labour Government. Strongly critical of the Labour Government's "Liquidation of the Empire Policy" it advocates a closer co-operation and strengthening the bond of Unity among the members of the British Commonwealth of Nations; with a view to establish a strong stable nucleus.

*Leader .* Winston Churchill.

*Present Strength :* 198.

3. *Liberal Party :* It is successor to the former Whig Party ; the former independent liberals rejoined the party in 1935. It has lost all its former strength and influence. It follows a policy of moderation.

*Leader :* C.R. Davis.

*Present Strength :* 12.

4. *Liberal National Party :* Originally composed of a group of liberal members of Parliament who believed that the national Government should have complete freedom in approaching national problems; formed a separate party in 1933.

*Leader :* Viscount Smion.

*Present Strength :* 13.

5. *Communist Party :* Though a small group consisting of trade union workers, exercises a powerful influence on sections of Trade Unions. It's strongly critical of the Labour Government's foreign policy and its half-hearted attempts at Nationalisation at home ; and advocates understanding and co-operation with the U.S.S.R.

*Leader :* W. Gallacher.

*Present Strength .* 2.

Of the minor groups there are (i) The Commonwealth Party and (ii) The Independent Labour Party; and two or three members who came as Nationals.



## Russia.

### *Party System :*

(a) The All Union Communist Party is the only party organization in Soviet Russia. It is composed of the "Most active and politically conscious citizens". Its membership is roughly about two million regular members. The new Constitution does not permit any other political group to nominate candidates for election; ( Sec. 141 ) though they can be by "Social organization of working people" but then all of them are under the control of the party.

"It is not only the motive power in Government, but is a great unifying force. The Government and Party are one and inseparable".

### *(b) Organization of the Party :*

(i) The highest organ of the Party is the All Union Party Congress which is supposed to meet every third year. The Party Congress elects a—

(ii) Control Committee, which in turn chooses

(iii) an executive body known as Political Bureaus commonly politburo, consisting of 10 members

(iv) a Secretariat

(v) and a Commission of Party Control.

The Politburo determines the policy and how policy is to be carried into effect and by whom. The real power rests with the Secretary General of the Control Committee and the two bureaus he controls.

## Germany.

### *Party System :*

Political parties in Germany are still authorized formally on a zonal basis only, and have not been granted permission to organize nationally. Four parties have emerged in all the zones of Germany :

1. *The Liberal Democratic Party* : It has no programme yet, which would be valid for the whole of Germany. It stands for sanctity of private property, and private enterprise, a complete separation of church and the state. Though it is the weakest of the four groups in Germany to-day, yet it has made notable gains in U.S.G. and Russian Zones.

2. *The Christian Democratic Union* : It has no fixed programme, like the other groups. It advocates a collaboration of Protestants and Catholics to establish a strong Christian basis for the rebuilding of Germany. It stands for inviolable right of persons and property and right of religious instruction in schools.

3. *The Social Democratic Party* : It has a general socialist programme like other European Socialist Groups. Outside the Soviet Zone, it is opposed to co-operation with the Communist Party. Along with the Christian Democratic Union, it is the most powerful of the present parties in Germany.

4. *Communist Party* : Basically its outlook and programme is the same as that of Communist Parties elsewhere. It stands for a close co-operation with the U.S.S.R.

N.B. All the four groups are agreed on :

- (a) Liquidation of Nazism.
- (b) Reconstruction of Germany.
- (c) Formation of a strong Central Government.
- (d) and are opposed to the separation of the Rhineland and the Ruhr areas.

## **Ceylon.**

### *Party System :*

Ceylon has eight political parties whose relative strength emerged in the elections held in September 1947; as follows ;

1. United National Party : 42 (now in power).
2. Independents : 21.
3. Sama Samaj : 10.
4. Ceylon Tamil Congress : 7.
5. Indian Tamil Congress : 9.
6. Leninist Party : 5.
7. Communist Party : 3.
8. Labour : 1.

## **Burma.**

### *Party System :*

The three years of occupation of Burma by Japan brought into being the Anti-Fascist People's Freedom League which united all the elements in the country and formed the spearhead of the powerful resistance movement. Since the liberation of the country this has emerged, naturally too, as the strongest single party political group; the former Communist members have separated, and constitute a distinct unit. The Constitution of the Burma Union was unanimously adopted. The Rise of Karens recently has complicated the internal situation and life of Burma.

## China.

### *Party System :*

Number of Parties : 3.

Party Name and Policy :

1. *Kuomintang or Nationalist Party* : It advocates a programme supporting Sun Yat Sen's three principles of the people i. e. Nationalism, Democracy and people's livelihood. It is the party in power; it was responsible for the new constitution of the Republic of China adopted in 1946. Its influence and strength is fast dwindling with the progress of the Communist forces, in the present Civil War in China. Its former leader and head of the Government Generalissimo Chiang Kai Shek resigned recently.

2. *The Communist Party of China* : Led by Mao Tse Tung has already gained in strength and influence since the Japanese attack on China. It has now consolidated its position and rallied behind it the peasants and the workers. Its recent military successes in the Civil War have inaugurated a new phase in Chinese History which is likely to have its repercussions in the political affairs in Asia.

3. *Young China Party* : Under Carson Chang; and the Democratic League led by Chang Lan and several other minor political groups have associated themselves with the present National Government of China.

N.B. Events in China are moving fast. The future of the parties there, is difficult to predict; every thing depends upon the final outcome of the Civil War.

## United States of America.

### *Party System :*

There is no fundamental difference between the major political parties of the United States, corresponding to the clear distinction between the Labour and Conservative parties in Great Britain. Though the two parties have exchanged certain planks, neither has deposed from the tradition—the principal issue of division in the past of the Tariff. Both groups have their liberal and conservative elements; and changes in modification of the party over economic issues depends on which element in the group is on the top and directing at the time of election.

### *Party Name and Policy :*

1. *Democratic Party* : It is traditionally the low tariff party and is strongest in the Southern states and is controlled by agriculture and labour interest. In its 1944 programme, it asserted its faith in private enterprise, free from control of monopolies, full benefit for servicemen etc. It is now strongly pledged to the abolition of racial discrimination in the states. The party has been continuously in power since 1932 and has guided the country's destiny through the period of the Great Depression, World War II and the contemporary period of last war-adjustment. Meanwhile the country has moved to a new position of leadership in world politics of the western Democracies.

In domestic matters Truman's Government is pledged to the continuous responsibility of the Government for human welfare. In foreign policy, it strongly supports the United Nations Organization, is openly suspicious of Soviet Russia and has carried out a nation-wide removal of pro-Communist officials from Public offices. It has sponsored the recently signed Atlantic Pact of defence against aggression against signatory powers and follows a policy of full financial aid to European Democracies under the Marshall Plan; and to China, Greece, Turkey and Great Britain.

*Leader* : Harry S. Truman.

*Present Strength* :

Senate :	}	Majority in both Houses.
House of Representatives :		

(Continued on page 147)

## United States of America

( Continued from page 146 )

2. *The Republican Party*: It is traditionally the high-tariff party strong in the Northern and Central States; and is largely controlled by industrial and commercial interests.

In foreign policy, it has favoured Pan-American solidarity, support of the United Nations' Organization, more direct measures against Soviet Russia, support of the Marshall Aid Plan; and in general a programme of national preparedness. In commercial relations, it has always supported the most-favoured-nation principle.

In domestic policy, it has demanded tariff to protect manufacturers and Labour, the repeal of the Reciprocal Trade Agreement Acts, defended the independence of the Supreme Court and opposed the New Deal Legislation of President Roosevelt and is against Government Control of competition with private industries etc. It is pledged to a programme of employment-insurance and other social insurance schemes and advocates the abolition of unnecessary Governmental agencies which cropped up during the war. Also favoured amendment to the constitution to limit any President to two terms of office.

*Leader*: Thomas E. Dewey.

3. Besides a few minor groups there is the Labour Party which contested the election with Henry Wallace as their candidate. It is backed up by the Labour groups but collected only a million votes. It will be sometime before a third party gets strong enough to play an effective role in the country's political life.

## Belgium.

### *Party System :*

Number of Parties : 4.

Party Name and Policy :

1. *Christian Socialist Party* : In 1936, the former Catholic Party was reorganized. There were two branches of it. The Flemist Catholic bloc, and the Christian Socialist Party; and together they were represented in a body known as Directorate. Loyal to the Church, it consisted mainly of the peasants, industrialists and labour groups. In its foreign policy, it supports the King in the freedom from alliances advocated. In domestic affairs, it stands for the defence of the interest of the Catholic Church, social reform and women's suffrage.

In 1945 the young members of the group formed the Party of Socialist Christians with a progressive social programme.

*Leader* : Auguste de Schrijver.

*Present Strength* :

Upper Chamber : 55.

Lower Chamber : 70.

2. *Socialist Party* : It is a moderate constitutional Socialist Party with an orthodox socialist programme. It is the strongest group in the country. In foreign policy, it supports the Western Union Bloc.

*Present Strength* :

Upper Chamber : 83.

Lower Chamber : 93.

3. *Liberal Party* : It advocates social reform; favoured a stiff policy to German pressure.

*Leader* : R. Gillon.

*Present Strength* :

Upper Chamber : 12.

Lower Chamber : 17.

*Continued on page 150 )*

## Italy.

### *Party System :*

Number of Parties : 7.

Party Name and Policy :

1. *Christian Democrats* : It is the successor to the pre-fascist Clerical popular party. Actually, it occupies a centre position advocating moderate social reform. It is vigorously anti-Communist and is the strongest party in the country at the moment.

*Leader* : Alcide De Gasperi.

*Present Strength* : 207.

2. *Socialists* : They are united to the Communist party by a 'Unity of action Pact'. Co-operation with Communists is also the cause of division in its ranks. Party stands for nationalisation of industrial and commercial monopolies. It would like to see Italy independent of any international bloc.

*Leader* : Pietro Nenni.

*Present Strength* : 115.

3. *Communists* : It advocates nationalisation of industries; redistribution of land, wide-scale social reforms. In foreign policy, it advocates open co-operation with Soviet Russia.

*Leader* : Palmiro Togliatti.

*Present Strength* : 104.

4. *National Democratic Union* : It is a right wing group of the Liberal Democratic and Labour Democratic parties.

*Leader* : Benedetto Croce.

*Present Strength* : 41.

5. *Femo Qualunqe* : It is the extreme rightist and nationalist party; it has made considerable gains in recent elections.

*Leader* : G. Giamini.

*(Continued on page 150)*



## Belgium.

( Continued from page 148 )

4. *Communist Party* : Here, as elsewhere in occupied Europe, it took a leading part in the underground resistance movement. Its social and economic programme is identical with that of the Communist Party programme in other countries. In foreign policy, it stands for a closer co-operation with U.S.S.R.

*Leader* : Albert Mareaux.

*Present Strength* :

Upper Chamber : 17.

Lower Chamber : 12.

## Italy.

( Continued from page 149 )

*Present Strength* : 30.

6. *Republicans* : It is a moderately leftist non-Marxist group without much following.

*Leader* : R. Pacciards.

*Present Strength* : 23.

7. *National Liberty Bloc* : It is a monarchic small rightist group joined with the Democratic monarchic party.

*Leader* : Robert Bencivenga.